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TO

REPORTS OF COMMITTEES

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FORTY-FOURTH CONGRESS,

1875-'76.

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CHINA MAIL SERVICE.

AUGUST 9, 1876.—Recommitted to the Committee on the Judiciary and ordered to be printed.

Mr. LORD, from the Committee on the Judiciary, submitted the following

REPORT:

The Committee on the Judiciary, to whom were referred the papers and testimony taken by the Committee on Ways and Means of the Forty-third Congress, with instructions to inquire what action should be taken by the House in reference to the persons now members of this House charged with complicity in the alleged corrupt use of money to procure the passage of an act providing for an additional subsidy in the China mail service during the Forty-second Congress, and with giving false testimony in relation thereto before the Committee on Ways and Means of the Forty-third Congress, have considered the same, and report:

That the Committee on Ways and Means of the Forty-third Congress, after a thorough investigation of the charge that a large sum of money was used to secure the passage through Congress of an increased annual appropriation to the Pacific Mail Steamship Company, in the nature of a subsidy, report, among other things:

The results of the evidence are, that about \$900,000 was disbursed upon the allegation that it was used in aid of the passage of the act now under investigation. That about \$565,000 appears to have been paid to the exclusive use of persons having no official connection with such legislation; and that the disposition of the remaining \$335,000 remains in doubt upon the evidence presented, but without any testimony showing that it was a reward paid to any person at that time a member of either house of Congress; and that the uncertainty attending the disposition of this latter sum is owing to the refusal of William S. King to testify the truth, and to the failure or refusal of John G. Schumaker to present all the facts which the committee believe it was in his power to give.

The committee report the following resolutions:

Resolved, That a copy of the testimony taken before the Committee on Ways and Means, upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service, be delivered to the Clerk of the House of Representatives, to be by him laid before the House at the first session of the Forty-fourth Congress, to the end that they may make further inquiry and take due action upon the questions affecting William S. King and John G. Schumaker, and further proceed therein as they shall deem just.

Resolved, That the Clerk of this House transmit to the United States district attorney a copy of the evidence taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service, with directions to lay so much of the same as relates to the truth of the testimony given by William S. King and John G. Schumaker before the grand jury of said District, for such action as the law seems to require.

The above resolutions were adopted by the House, and a copy of the evidence taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service has been transmitted to the United States district attorney for the District

of Columbia by the Clerk of the House, in accordance with said resolution.

The whole subject is properly before the court; the offenses charged are crimes by statute, and the Constitution provides:

No person shall be held to answer for an infamous crime unless on a presentment or indictment of a grand jury.

Your committee are of opinion that the House of Representatives has no authority to take jurisdiction of violations of law or offenses committed against a previous Congress. This is purely a legislative body, and entirely unsuited for the trial of crimes. The fifth section of the first article of the Constitution authorizes "each house to determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." This power is evidently given to enable each house to exercise its constitutional function of legislation unobstructed. It cannot vest in Congress a jurisdiction to try a member for an offense committed before his election; for such offense a member, like any other citizen, is amenable to the courts alone. Within four years after the adoption of the first ten amendments to the Constitution, Humphrey Marshall, a Senator of the United States from Kentucky, was charged by the legislature of his State with the crime of perjury, and the memorial was transmitted by the governor to the Senate for its action. The committee to whom it was referred reported against the jurisdiction of the Senate, and say:

That in a case of this kind no person can be held to answer for an infamous crime unless on a presentment or indictment of a grand jury, and that in all such prosecutions the accused ought to be tried by an impartial jury of the State or district wherein the crime shall have been committed. Until he is legally convicted, the principles of the Constitution and of the common law concur in presuming that he is innocent. And they are also of opinion that as the Constitution does not give jurisdiction to the Senate, the consent of the party cannot give it, and that therefore the said memorial ought to be dismissed.

This report was adopted by a vote of sixteen to seven. This is the construction given to said section in the first case presented to either house after its adoption by the statesmen who framed the Constitution, and we think it an authority which should control the case before the committee. We know of no public interest which will be promoted by further investigation.

Your committee therefore recommend that the House leave these charges where they now are, in court, to be finally adjudicated and disposed of without any interposition or further action of the House.

VIEWS OF THE MINORITY.

The undersigned members of the Judiciary Committee, to whom was referred the resolution of the 24th of January last, set forth in the report of the majority, respectfully report :

That the only question now presented to the House is the question of jurisdiction, which question arises under the last clause of section five of article one of the Constitution :

Each House may determine the rules of its proceedings ; punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

It will be seen that there are no words of limitation on the power to expel, which seems to have been left to the good sense and discretion of each House ; in other words, does not the Constitution refer rather to the fitness of the member to hold the office, resting on considerations of public justice and policy, than to the time of his election ? Yet the undersigned do not deny but that there are limitations on the power of this House arising from the circumstances of particular cases, and the relations of this House to the constituency of an accused member ; therefore, as will be seen, the undersigned need not go further in this case than to assert jurisdiction, because the offenses complained of were not known to the constituents of the members in question until after their election.

Without asserting the guilt of the accused, it is sufficient to say that the gravamen of the charges made against them is that one of them (Mr. Schumaker) received the sum of \$275,000, and the other, (Mr. King,) while an officer of the House, \$75,000, for the purpose of purchasing the votes of members of the Congress for a subsidy to the Pacific Mail Steamship Company ; and it is conceded that the alleged reception of such money by them was not known to their constituents until after their election.

It is also alleged that one of the members (Mr. King) testified falsely concerning the moneys received by him before his election to the present House, and that the other (Mr. Schumaker) so testified after his election to the present House, before a committee of the Forty-third Congress.

The fact that the questions involved as to the guilt of the accused members have been referred to the courts of the District of Columbia does not and cannot affect the question of jurisdiction, nor in any manner release the House from its duty in the premises, as has been held in the cases of Kilbourn and Belknap. The case of Humphrey Marshall, referred to in the report of the majority, is not a case in point. He was accused of the crime of perjury, committed before a State court in Kentucky ; a majority of the Senate concluded that he was entitled to a trial before a jury. If the members in the cases before the Congress were accused of the crime of perjury committed in a State court, in dealing with the question entirely different considerations might be presented.

The committee of the Senate, in the case of Marshall, say :

That in a case of *this kind* no person can be held to answer for an infamous crime unless on a presentment or indictment of a grand jury.

This decision, however, only relates to trials in court in the administration of criminal justice, and not to protective justice by proceedings on impeachment or expulsion from either house of Congress.

Without now discussing or deciding the question to what depths of infamy a member must have sunk, if condoned by his constituents, before the House should exercise the power to expel him, or without deciding that there is any depth of infamy which, if so condoned, would authorize such expulsion, it is sufficient to say that in the cases before the House the offenses, as alleged, related directly to the attempted corruption of members of the Congress of the United States, which crime or crimes, wherever originated, were consummated, as alleged, in the District of Columbia or within the halls of the Capitol.

In the State of New York, in the case of George G. Barnard, one of the justices of its supreme court, he was held liable to impeachment for offenses committed by him before he was elected to the term of office which he then held. The senate of that State has asserted the same principle.

The Senate of the United States has recently held jurisdiction in a case in which the alleged limitation, if any, forbidding it, is found in the words of the Constitution.

The undersigned therefore recommend the adoption of the following resolution:

Resolved, That the House of Representatives has jurisdiction in the cases of William S. King and John G. Schumaker, and that it be referred to the Committee on Civil Service Reform to ascertain and report the facts.

SCOTT LORD.
WM. LAWRENCE.
GEO. F. HOAR.
B. G. CAULFIELD.

I am of the opinion that the House ought not to assume jurisdiction of a case where a member is charged with having sworn falsely at a time prior to his election, especially if such member has been indicted therefor before the proper judicial tribunal, and pending his trial. But where the charge is that a member of the House has received money to be used by him to corrupt legislation in Congress, for which offense no indictment has been found, I think the House may properly take jurisdiction though the offenses charged were committed prior to his election. I am desirous that an inquiry be made to ascertain whether this latter offense has been committed by either or both of the accused members; and for that purpose, and to that extent, I concur in the report of the minority of the committee.

GEO. W. McCRARY.

FEDERAL OFFICES IN LOUISIANA.

AUGUST 10, 1876.—Laid on the table and ordered to be printed.

Mr. NEW, from the Select Committee to Investigate the Federal Offices in Louisiana, by unanimous consent, submitted the following

REPORT:

The committee submitting the following report was appointed by the House of Representatives, under resolution of date of April 27, 1876, as follows:

Resolved, That a committee of nine members be appointed by the Speaker, with instructions to make a thorough examination into the conduct and management of the custom-house of the port of New Orleans, and of the offices of the marshal, district attorney, and collector of internal revenue, and of such other Federal offices as they may discover to be implicated in wrong-doing and violation of the laws, and to suggest such changes and reform as they may deem necessary; with power to employ a stenographer, to send for persons and papers, to sit in New Orleans, and to report by bill or otherwise at this session of the House; and that the proceedings of said committee shall be public.

The committee entered upon its duty and examined several witnesses in the city of Washington, and then proceeded to the city of New Orleans, La., commencing its sessions on the 29th day of May, 1876, and remained there until the 17th day of June following. The sessions of the committee were public, and no one desiring to be heard was denied, and such persons as the committee were led to believe could furnish information who did not voluntarily appear were subpœnaed, but quite a number of witnesses whom the committee desired to examine could not be found. All of the Federal officers whose official conduct was the subject of investigation were represented at every session of the committee by able and zealous counsel, who were accorded the fullest privilege and opportunity of cross-examining witnesses and producing and examining witnesses. Much of the testimony relates to the management of the custom-house at New Orleans. The position of collector of customs of New Orleans is one of great importance and responsibility. At the very outset the committee were confronted with evidence of an effort on the part of James F. Casey, collector of the port of New Orleans, to obstruct the investigation. The testimony as to this fact is so positive and plain that it shall speak for itself. (See pages 29, 38, 39, and 40 of the evidence as printed.)

We find the same disposition displayed by his subordinates in New Orleans, as appears by the evidence taken on pages 343, 427, 428, and 450.

Another exhibition of it is afforded in the failure to produce certain records called for by the committee, assigning no sufficient reason therefor.

Evidence of irregularities and frauds in the importation of dutiable goods was adduced before the committee, and the witnesses who testified were nearly all in the employ of the Government, either at the

custom-house at New Orleans, or connected with the Internal Revenue Bureau. The first witness who testified on this subject was G. W. Ferguson, who had been for several years employed at the New Orleans custom-house. When examined by the committee he testified that he had visited Washington for the purpose of acquainting the Secretary of the Treasury of the existence of certain frauds, and that he had at that time no knowledge of the organization of this committee. On his arrival in Washington he called upon the Hon. Chester B. Darrall, a representative in Congress from Louisiana, and a member of this committee, to whom he made known his mission, and requested Mr. Darrall to accompany him to see the Secretary of the Treasury, which Mr. Darrall readily consented to do. Mr. Ferguson was subpoenaed at the request of Mr. Darrall. His examination was not concluded when the committee adjourned its sessions to New Orleans, and the witness was instructed to appear before the committee there, which he agreed to do, and expressed a preference to testify there, alleging that he had at home certain data and documents which would corroborate his evidence. He did not appear before the committee in New Orleans, and notwithstanding diligent efforts were made to procure his attendance, we were unable to ascertain where he was or the cause of his non-appearance. Evidence was introduced on the part of the collector to rebut the existence of these alleged frauds upon the revenue, but, as the testimony now appears, it is conflicting and contradictory.

Several merchants engaged in the import trade were called on behalf of the collector, and testified that in their individual business relations with the custom-house they had found its management efficient and courteous, and, so far as they knew, justly and honestly in the interests of the Government and the business community. And a statement so certifying, signed by a very large number of the importers of New Orleans, was filed before your committee, and received as evidence as to the matters therein referred to.

From uncontradicted evidence it appears that the custom-house at New Orleans was made to contribute, in large sums taken from its revenues, to partisan ends. The manner of perpetrating these frauds was in this way: a number of vouchers would be made out in the custom-house, apparently all regularly signed and sworn to, purporting to be for services rendered in the custom-house. These vouchers were generally for the sum of \$93, and often reached a great number per month, aggregating thousands of dollars. The service specified in the voucher was that of temporary laborer, in almost every instance, and these were made out in addition to the monthly vouchers for the permanent employés proper of the custom-house. Many of the names attached to these vouchers were fictitious, and in others the parties named never rendered a moment's service in the custom-house. Under the law these vouchers were required to be sworn to, and appended to each was the notarial and official signature of Mr. Crawford, an entry-clerk in the custom-house, and commissioned as a notary public.

In many instances no oath was administered, but the vouchers thus made out were forwarded to the Secretary of the Treasury as vouchers for the disbursements made by the collector of customs at New Orleans, and the money thus fraudulently obtained would be applied to political uses. (See testimony on pages 181, 182, 183, 184, and 185; also on pages 105, 106, 107, 110, 111, and 450.)

The facts thus established were in no manner contradicted or explained. The perpetration of this crime was not an occasional thing, but was shown to be an established system. The evidence shows that

in many instances the pollution of the ballot-box itself was the consideration for the payment of the money thus unlawfully obtained. (See testimony on pages 197, 198, 199, 342, 423, 450, and 451.)

We discovered at least one high officer of the Government, outside of the custom-house, having knowledge of its prevalence, and whose sworn duty it was to expose it to the proper authorities, complacently witnessing its exercise and making no effort to check or prevent it. We refer to Daniel P. Kinsella, special agent of the Treasury Department, located at New Orleans. (See testimony of Kinsella himself, on pages 337, 338, 339, and 340.)

It also appears from the evidence that this officer had two minor sons who, for several years, had been drawing unusually large salaries from the custom-house, one of whom was employed in his own private office. We regard such acceptance of favors toward his own family as inconsistent with the proprieties of the service, and tending to demoralize and blunt his own sense of duty as an agent of the Government.

It is impossible for your committee to ascertain the exact amount of money thus obtained from the public treasury, but from all the circumstances the conviction is forced on the minds of your committee that all or nearly all of the entire sum of money represented by the vouchers referred to was absolutely stolen. The number of these vouchers was often increased, taking each month large sums of money illegally from the Treasury. According to the testimony of all the witnesses who were examined on this subject, these vouchers were made out in duplicate, and although duplicates of all other vouchers for disbursements by the collector were retained by him, the committee were unable to procure the duplicates of any of these vouchers for temporary service; the reason assigned at one time being that they could not be found, and at another that they had not been preserved or retained. The committee notified the collector of its sessions at New Orleans, and subpoenaed him, but he did not appear, alleging illness as the reason. This fact, supplementing the positive evidence establishing these corrupt practices, can lead to but one conclusion.

Another glaring fraud was perpetrated through the department of repairs and preservation of public buildings. The sum of \$5,000 was paid out by the Government on a contract with E. A. Davis for the repair of the United States warehouse at quarantine station on the Mississippi River, and the erection of a new wharf thereat. Mr. Davis testified that he signed the contract; that he never did any work under the contract; that he never rendered any account which showed that the contract had been complied with or that any work had been performed; that he had not earned the money; that the full sum of \$5,000 was paid to him only four or five days after having signed the contract, and that he returned the whole amount to Mr. J. H. Sypher, at whose personal request he had signed the contract. He testified also that he had heard since, in general conversation, that the money was used for electioneering purposes. It was not pretended that any such work was done for which the Government had paid the sum of \$5,000. The following letter will show the official character of the transaction in the account rendered to the Government by James F. Casey, disbursing-agent at New Orleans, and how the Government was defrauded:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
July 31, 1876.

SIR: In reply to your inquiry of the 29th instant, I have the honor to inform you that a contract was entered into under date of October 18 1872, between Edward A. Davis of

New Orleans, La., and J. F. Morse, then superintendent of the United States custom-house in that city, for the repair of the United States warehouse at quarantine station on the Mississippi River, in Louisiana, and the erection of a new wharf thereat, according to plans and specifications furnished by the said Morse. In compensation therefor he was to receive the sum of \$5,000. This contract is attached to a voucher receipted by Edward A. Davis, for the sum of \$5,000, transmitted with the account of James F. Casey, disbursing-agent, New Orleans, La., for the month of October, 1872, under the appropriation for "Repairs and preservation of public buildings."

Very respectfully,

WM. A. POTTER,
Supervising Architect.

Hon. R. S. GIBSON,
Chairman of Committee, &c., House of Representatives.

The open and unblushing use of the public revenues for the benefit of candidates of any political party is a sad evidence of the thorough demoralization of the civil service. That a custom-house of the Government should be thus run as a political machine, not only placing men upon the rolls who are not needed, for the purpose of obtaining their votes, but by placing fictitious names upon the rolls for the purpose of pilfering from the public revenues moneys to be used in the election of the candidates of a political party, is not only most corrupting upon those in the public service, but suggests the enactment of a law so severe in its provisions as to prevent, if possible, a recurrence of such official malfeasance in the future.

Your committee are of the opinion that the Government should without delay institute suit against the collector, James F. Casey, to recover such sums of money as have been by him and those in his employment misapplied and appropriated to unlawful purposes as shown by the evidence.

Your committee cannot forego this opportunity to say that purity and efficiency in the civil service cannot be attained so long as the officers and employes of the Government are encouraged to become partisan workers, contributors of money, and canvassers in the interest of party. So long as this is tolerated or required, the temptation is presented to those employed to neglect their proper duties and to connive at the partisan use of the public funds.

Your committee cannot believe that the President will permit Mr. Casey to continue in office as the collector of customs at New Orleans, after he shall have become acquainted with the testimony taken before your committee.

Your committee were also charged with the thorough investigation into the conduct and management of the offices of the United States marshal and United States district attorney at New Orleans.

The marshal, S. B. Packard, was appointed on the 16th day of April, 1869, and has held that office ever since, having been re-appointed on the 30th day of March, 1873. We believe, from the examination we have given the marshal's office, that its business, as connected with the courts, has been admirably managed; that he has faithfully complied with the law in making returns to officers who exercise supervisory powers over that office, to whom he is required to report. He has uniformly been prompt, courteous, and obliging in person, and by his deputies, toward persons having official business with him. Some irregularities and violations of law, however, were proven in connection with the marshal's office, which it is our duty to point out and condemn. Section 2021 of the Revised Statutes is as follows:

Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of 20,000 inhabitants or upward, the marshal for the district in which such city or town is situated shall, on the application, in writing, of

at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend each election-district or voting-precinct at the times and places fixed for the registration of voters, and at all times and places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

This is the only statute authorizing the appointment of deputy marshals for election purposes, so to speak, and by this statute, as will be seen, the power of so appointing is limited to towns and cities having 20,000 inhabitants or upward.

It is shown that about two weeks prior to the general election in Louisiana in 1874, Marshal Packard, at the instance of T. T. Allain, who was then a candidate for State senator in the State of Louisiana, appointed by commissions as deputy marshals Daniel Melville, James C. Wardon, Philip Bulger, William Moran, Thomas White, and James Clark. These men, with one exception, were residents of New Orleans, which was not in said district. They were employed by Allain, and paid by him for their services while acting as such deputy marshals, and received their commissions by the hands of said Allain.

Melville received one hundred dollars with expenses paid, and each of the others received seventy-five dollars and expenses. After their employment as aforesaid, but before receiving their commissions, they went at Allain's request into his district and worked politically in his interest and under his direction until after the election, some of them going through his district with him in his canvass. They received no compensation from the marshal nor have they claimed any.

There was no town or city in said district of 20,000 inhabitants. As soon as the election was over, these deputies were requested by letter, over the signature of Marshal Packard, to return their commissions. Allain represented to one of these deputies that the commissions had to be returned to the marshal within fifteen days after the day of election.

Your committee know of no law requiring deputy marshals to return, within fifteen days, or within any other period, their commissions in cases where they are legally appointed.

It was made to appear, by the evidence taken before the committee, that deputy marshals had, in contracting with steamboats for the conveyance of a large number of witnesses in the Grant Parish trials, so stipulated that they received from the boats a part of the sum agreed upon.

It was proven before the committee by J. A. Fremaux, keeper of the parish prison in New Orleans, and Isaac W. Patten, criminal sheriff, that upon the presentation at the marshal's office of bills for the keeping of the Grant Parish prisoners and others, payment had been refused unless 10 per cent. was deducted. The shave or deduction was made at the marshal's office upon the ground, as testified, that there were no funds on hand at the marshal's office, and that if the money was then and there paid it would have to be advanced by them; and yet, as soon as the deduction was agreed to, checks were given on the subtreasury at New Orleans and indorsed "court funds." Fremaux swears that he is not certain whether these checks were signed by Mr. Packard himself or not, while Mr. Patten swears that the checks were signed by Mr. Packard, the marshal.

These transactions merit, in the judgment of your committee, the severest condemnation. The Attorney-General in his last report comments with severity upon practices of this kind, and advises the

enactment of a law that will forbid and punish such practices. We most cordially concur in that recommendation.

James R. Beckwith is the United States district attorney at New Orleans. He was appointed in October, 1870, and has held that office ever since. There has, during said period, been a great accumulation and pressure of business in the Federal courts at New Orleans. It has required industry and ability on the part of the district attorney to successfully discharge the duties devolved upon him. The testimony shows that the Government has a zealous and able representative in the person of Mr. Beckwith.

Your committee had no complaint against the present postmaster, register and receiver of land-office, and pension-agent, and the surveyor-general's office, that called for any special investigation; and, so far as their inquiries extended, found their offices to be satisfactorily conducted in the interest of Government and the convenience of the people. But your committee find that Mr. Breary, the register of the land-office, and Mr. O. H. Brewster, surveyor-general, are at the same time members of the State senate, and the committee is of opinion that the holding of these important State offices should properly debar them from holding an office under the Federal Government.

Pending the investigation your committee was directed by a resolution of the House to inquire into the cause of the recent murder of David King and wounding of Hon. M. H. Twitchell, at Coushatta, in the Parish of Red River, Louisiana. In compliance with said resolution Messrs. Vance and Woodburn were appointed a subcommittee for this purpose, and the following report by them is adopted by the committee and submitted as part of this report:

COUSHATTA AFFAIR.

Report of Messrs. Vance and Woodburn, a subcommittee appointed by the Committee on Louisiana Affairs, with the testimony taken before them.

NEW ORLEANS, LA., June 12, 1876.

HON. RANDALL L. GIBSON,

Chairman Committee on Louisiana Affairs:

The undersigned, appointed a subcommittee to inquire into the Coushatta affair in pursuance of the following resolution adopted by the committee on the 30th May, 1876, viz:

Resolved, That the chairman appoint a subcommittee of two, whose duty it shall be to proceed to Coushatta, on Red River, and make inquiry (as required by resolution of House of Representatives, adopted May 4, 1876) into the cause of the recent murder of David King and wounding of Hon. M. H. Twitchell; also that the subcommittee be authorized to hold sessions at such points in the neighborhood of Coushatta as to them may be deemed necessary to procure evidence in the matter of the proposed inquiry,

respectfully submit the following report:

The Committee on Louisiana Affairs were authorized and instructed to examine into the particulars of the Coushatta affair by virtue of the following preamble and resolution adopted by the House of Representatives May 4, 1875:

Whereas it is alleged that M. H. Twitchell, a senator of the State of Louisiana and commissioner of the United States court for the State aforesaid, and David King, a citizen of the same State, have been within a few days found murdered on the Red River, in the State aforesaid: Therefore,

Be it resolved, That the select committee appointed to investigate the affairs and accounts of the Federal office-holders in the city of New Orleans be, and are hereby, instructed to inquire into the cause of said murder or murders, and that they be author-

ized to send for persons and enter into a full and complete investigation of the circumstances attending said transaction, and particularly as to whether it was or was not of a political character; and that they report the result of their investigations to this House simultaneously with their other reports.

Your committee, in pursuance of the resolution adopted on the 30th May, after taking the testimony of one witness in New Orleans, proceeded by steamers to the town of Coushatta, in Red River Parish, reaching there on the evening of the 6th of June. On the 7th and 8th of June thirty-three witnesses were examined, including prominent men of both political parties.

From the testimony produced it appears that on the morning of the 2d of May, 1876, at an early hour, a stranger mounted upon a peculiarly-colored pony entered the town of Coushatta. He was disguised, having on a coat made of rubber or oil-cloth, reaching nearly to his feet; his face was partially concealed by a heavy beard, evidently false; his eyes were covered by a pair of goggles, and he wore his hat drawn down over his face. After reaching the town and before dismounting he went to a blacksmith's shop at the upper end of the village where he could command a view of the opposite side of the river. He requested the blacksmith to shoe his horse, but finally stated that "his brother" would soon be there, and would direct the smith as to the manner in which the horse should be shod. He remained in the shop until he apparently saw Mr. Twitchell approaching the ferry-landing in a buggy, on the opposite side of the river. He then rode to the landing, where he dismounted, hitched his horse, and proceeded to the top of the bank. About the time he reached the top of the bank the ferry-skiff, in which were David King, M. H. Twitchell, and the ferryman, (a colored man,) approached the landing. The stranger opened fire, wounding Mr. Twitchell in the leg. Twitchell jumped into the river and caught the edge of the skiff with his hand. Mr. King fired at the assassin from a revolver, when he turned his gun upon King and shot him, evidently causing death at once. He then turned his gun again on Twitchell and shot him through one arm and then through the other. About this time the ferryman attempted to rescue Twitchell from the water, and to prevent this the assassin fired at the ferryman, wounding him in one of his hands. Evidently supposing that his victim was dead, the assassin mounted and rode away. During the progress of the shooting a gentleman named Benjamin Wolfson rode up on a horse, approaching quite near. The assassin pointed his gun at Wolfson and ordered him away, and he retired. Two ladies, Mrs. E. J. Merrell and Mrs. P. J. Lee, also approached the assassin during the progress of the firing. Mrs. Merrell begged him to desist, but without effect, and scanned him closely. Mr. Twitchell was rescued from the river and taken to the shore whence he had embarked a few minutes before. Mr. King's body was removed from the skiff; he was dead.

Such a tragedy naturally caused much excitement in the village. A number of the citizens crossed the river and gave such aid as was in their power to the wounded men, and many volunteered to pursue and endeavor to capture the murderer, and, after some delay caused by the indecision and lack of nerve exhibited by the sheriff of the parish, a posse was organized in charge of the deputy sheriff, an old man, and started in pursuit, but, after following the trail for several miles, lost it, and, finding it impracticable to get on any clew or trace of the fugitive from justice, finally returned to their homes. The country is thinly populated; the roads few and difficult; and the means of escape are abundant by the bridle-paths and through the swamps almost impenetrable.

Mr. Twitchell was removed to Springville, on the Coushatta side of the river, and about a mile from the town, where his testimony was taken.

The testimony of the witnesses, without exception, is to the effect that the man who did the shooting was unknown, and the horse that he rode was not recognized as belonging in that part of the country.

The foregoing embraces all that your committee were enabled to ascertain in regard to the death of Mr. King and the wounding of Mr. Twitchell and the ferryman.

Witnesses were examined with a view to ascertain whether the assassination "was or was not of a political character." As before stated, gentlemen representing both of the political parties, white and colored men, were called and examined. The testimony shows that Mr. Twitchell was instrumental and took an active part in the organization of Red River Parish, and at the election preceding the organization of the parish, and while a candidate upon the republican ticket for State senator, was supported by prominent democrats in Coushatta and its neighborhood. Since the organization of the parish he has controlled the appointment of its officers, and has had almost unlimited control of its affairs. In addition to filling the office of State senator, he filled several offices himself; and on the 2d of May last, according to his own testimony, he was a State senator, member of the police jury of the parish, member of the school board, and United States commissioner. In reality he also had control of the school money, and other moneys collected from the tax-payers of the parish.

The testimony of all the disinterested witnesses who were examined in regard to the conduct of parochial affairs was to the effect that they had been loosely and extravagantly managed, and that Mr. Twitchell was responsible for their mismanagement. Numerous instances were cited showing a profligate waste of public money.

The lands of the parish were assessed at figures largely in excess of their value, and of the assessment in the neighboring parishes; and the taxes levied by reason of this exorbitant assessment fell but little short of confiscation. In many cases absolute confiscation resulted.

It became necessary to erect a court-house and jail for the parish. The evidence shows that the contract for the erection of the court-house was awarded to one John T. Yates, (at that time sheriff of the parish,) through the influence of Twitchell, then, as now, upon the police jury; that after the award had been made, Twitchell demanded of Yates the contract; threatening that if it was not surrendered to him he would cause it to be revoked. Yates did surrender it to Twitchell, who caused the building to be erected and reaped the profit therefrom. Although the contract was let at \$16,525, yet the evidence goes to show that, in reality, the work has cost upward of \$40,000.

Again, Mr. Twitchell procured the building of several levees, and the evidence shows that gross frauds were perpetrated upon the treasury, and large sums of money realized therefrom by Twitchell and his confederates.

Your committee cannot, within the space of this report, recapitulate the worse than profligate conduct of school affairs, and other irregularities and malpractices of Mr. Twitchell and his associates as shown to have existed in Red River Parish since its organization. The testimony gives a brief history of many transactions, and to this attention is invited.

In a word, the affairs of the parish have been managed, under the direction of Mr. Twitchell, in such a way as to merit and receive the

condemnation of good citizens of both political parties; and your committee have no hesitation in saying that they were unprepared and greatly surprised to find such a lamentable condition of things existing.

These evils had grown to such an extent that an organization had been formed, known as the "Property-holders and Laborers' Union," composed of republicans and democrats, white and black, having for its object the rescue of the parish from its deplorable condition.

The evidence further shows that, notwithstanding the condition of affairs, for nearly two years past there had been no political excitement; no threats or attempts at intimidation had been heard or made. Men, prominent in both political parties, testified that no one was in danger, by reason of his political views or his public or private utterance of the same; that men could as safely express their political views in Red River Parish, on the stump or elsewhere, as in any part of our common country. Together with many others, A. B. Broughton, the parish judge, and a republican, testified to the foregoing effect, and, in addition, stated that he had organized republican clubs during the campaign of 1874, and that at no time had he been molested or made afraid.

Your committee, after ascertaining that it was impossible to locate or identify the assassin or to obtain a clew as to who he was, having directed their inquiries particularly to the point as to whether politics had anything to do with the affair, are of the opinion that the testimony of leading men of the two political parties is explicit in establishing the fact that the shooting of King and Twitchell was not caused by reason of their political opinions, and that the affair "was not of a political character." The evidence shows that Mr. Twitchell had made a number of personal enemies within his own political party, and that threats against his life had been made by one or more of these parties. But the evidence was not of a character to create a reasonable ground of suspicion against any particular person, even among his personal enemies.

It may be well to state that it was undoubtedly the sole purpose of the assassin to kill Mr. Twitchell, and that Mr. King was shot after he had very properly fired at him.

In conclusion, your committee are of opinion, from the best testimony they were enabled to get, that the people of Red River Parish, irrespective of party, are desirous of political quiet, and are prepared to welcome to their midst men of all parties who are disposed to conduct themselves as law-abiding, peaceable citizens.

The evidence is herewith returned and made part of this report.
All of which is respectfully submitted.

JOHN L. VANCE,
WILLIAM WOODBURN,
Subcommittee on Coushatta Affair.

Your committee appointed a subcommittee to investigate and report upon the outrages alleged to have been recently committed in the parish of West Feliciana, Louisiana, in compliance with the following resolution of the House of Representatives:

[Forty-fourth Congress, 1st session, Congress of the United States.]

HOUSE OF REPRESENTATIVES, June 10, 1876.

On motion of Mr. Levy,

Resolved, That the special committee appointed by the House of Representatives to investigate the custom-house and other Government offices in Louisiana, and also the alleged outrages at Coushatta, be, and is hereby, further instructed to investigate and report upon the outrage alleged to have been recently committed in the parish of West Feliciana, in said State, and that said committee, or any subcommittee thereof,

is invested with authority to visit said parish, make necessary investigations, to summon and administer oaths to witnesses, to send for persons and papers, and, in regard to this additional duty, is clothed with all the powers heretofore conferred on said committee by resolutions of this House.

Your committee by a unanimous vote have adopted the following report of this subcommittee:

GENTLEMEN OF THE COMMITTEE: Your subcommittee proceeded to the town of Bayou Sara, in the parish of West Feliciana, and examined fourteen witnesses. Among them, besides citizens of the parish, of both democratic and republican parties, were parish and State officers and officers of the Federal Government, military and civil.

The testimony discloses that the only outrage alleged to have been recently committed in the parish was the murder of Max Aronson, on the 11th of May, 1876, and that the findings of the jury at the coroner's inquest were correct. We call attention to this document.

PARISH OF WEST FELICIANA, *State of Louisiana*:

At the inquisition held before the coroner of said parish, L. S. McCrindell, on plantation of H. S. Perkins, over the body of Max Aronson, on the 13th day of May, A. D. 1876, the jury, whose names are hereunto subscribed upon their oaths say that Max Aronson came to his death by gun-shot wounds in head by the hands of a body of armed negroes, unknown.

T. E. WOODS.
E. D. WOODS.
ROBERT H. JOHNS.
THOMAS WEST.
E. H. WALKER.
L. S. MCCRINDELL, *Coroner*.

MAY 15, 1876.

CLERK OF THE SEVENTH JUDICIAL COURT,
June 21, 1876.

A true copy.

CHARLES J. HOWARD, *Clerk*.

It appears that Max Aronson was believed to have chastised a colored man for stealing a beef, and that the colored people of the vicinity regarded this punishment as an outrage upon, and a wrong to, their race. A number of them, supposed to be twenty or thirty, met together, sought Max Aronson at his own house, and shot him down in his doorway. It appears from the evidence that politics had nothing to do with this crime. Max Aronson was identified with neither political party, and had but recently arrived in the neighborhood.

Much of the testimony taken incidentally relates to the character of the local officers, the disposition of the people, and the political condition of the parish. A part of it refers to a disturbance of considerable magnitude in an adjoining county of the State of Mississippi, growing out of the attempt of the officers of the law to arrest the murderers of Max Aronson.

As these matters were beyond the scope of the inquiry and duty of your committee, and the evidence taken incomplete, owing to the absence of many of the principal witnesses, who were in attendance upon the Senate committee at Jackson, Mississippi, your committee do not feel justified in making any comments upon them.

R. L. GIBSON.
C. B. DARRALL.

All of which is respectfully submitted.

R. L. GIBSON, *Chairman*.
JO. C. S. BLACKBURN.
A. E. STEVENSON.
JOHN L. VANCE.
J. D. NEW.
JAMES B. REILLY.

Mr. Darrall, from the select committee to investigate the conduct of Federal officers in Louisiana, submits the following report:

The committee were instructed by resolution of the House of May 4, 1876, to inquire into the cause of the murder of David King and the attempted murder of Senator M. H. Twitchell, and particularly as to whether there was anything of a political nature in the said murder and attempt to murder.

The undersigned, having carefully read all the evidence taken by the subcommittee that visited the town of Coushatta, and their report, which is adopted as the report of the majority of the committee, is compelled, though reluctantly, to differ entirely from some of their conclusions. This being the case, the following views on that branch of inquiry assigned to the committee for investigation are respectfully submitted:

In order to demonstrate the facts and establish clearly the conclusions arrived at in this report, the evidence itself will be largely quoted, to show, first, that the murder of David King and attempted murder of Senator Twitchell was of a political character and for political reasons entirely; and, secondly, that it is very unsafe for a member of the republican party to actively advocate his principles in that part of the State. The evidence of Senator Twitchell was taken by the subcommittee before he had recovered from the wounds he had received; indeed, he has not recovered yet. Such evidence is certainly entitled to entire confidence—that of a man with both arms amputated and wounded in the leg. Being duly sworn, he says:

By Mr. WOODBURN:

Q. Did this man who did the shooting say anything while he was firing?—A. Not a word. There was the deliberate mechanism of a hired assassin, in my opinion, all the time. I think he had no personal feeling against me.

By Mr. VANCE:

Q. Did you know of any threats having been made against your life?—A. I had not heard anything of the kind for some weeks previous. But heretofore it was an every-day matter, almost, to hear of my life being threatened.

Q. From whom did those threats proceed?—A. They came from a turbulent rabble in this country that always act with the democratic party, and I have never heard them express anything against me except that I was a troublesome republican leader.

Q. Did you ever hear of threats against you by others than this turbulent element acting with the democratic party?—A. I do not know that I have heard the gentlemanly element saying anything. Personally, I am on the best of terms with all of them, I believe.

Q. Do you know of any threats against you coming from others than democrats?—A. No, sir; never in my life.

Q. You know of no threats from others than democrats?—A. No, sir; I do not remember of ever hearing any.

Q. Were you instrumental in the formation of Red River Parish?—A. Yes, sir; I was in the State senate at the time, having received for that position democratic votes as well as republicans, upon the idea that I should be able to form a new parish.

Q. You have taken an active part in the government of the parish since then, have you not?—A. Very active; I have done everything possible; I have neglected my private affairs oftentimes for the good of parochial matters, having a feeling of pride in the parish. I have been called the father of the parish, having been instrumental in getting it established. I have done everything I could.

Q. Is it unsafe in this parish for a republican to express his political opinions?—A. I think a republican can express his opinions here without much danger of personal violence; but when he shows his power to organize and bring to the polls the votes which we have here, and it appears that by that means the democratic party will certainly be beaten, it then becomes very unsafe for such a man to do so—very unsafe.

Q. Can you give us any instance of this?—A. About the best instance lies right here before you. I have succeeded in keeping the district republican ever since I have been here. I have no idea in the world that, if they had not been afraid of the future, I would have been in the position I am now. Coley Pearson, who is the boldest republican leader in Natchitoches, and the only one whom they have not succeeded in driving out, was shot down in the street.

Q. Do you attribute your attempted assassination to political motives?—A. Entirely. There was none other existing. I consider that the democratic party, in my assassination, had a large stake to play for.

Q. What stake did they have to play for?—A. For some reason I have been a successful manager of the district and parish. Any one republican must be considered the balance in the State senate in the way it is now organized. There are nine republicans and nine democrats. When they would walk up to be sworn in, if an objection was made and overruled, on a vote there would be nine democrats and nine republicans. The casting vote of the lieutenant-governor, who is a republican, would give the organization to the republicans. The destruction of a republican senator would then be a matter of vast importance to the democratic party of Louisiana.

The next evidence is that of Z. T. Wester, clerk of the court and deputy postmaster. Being duly sworn, he says:

By Mr. VANCE:

Q. Have you any means of knowing who it was that did the shooting?—A. No, sir; I have not.

Q. Or what occasioned the shooting?—A. I do not really know what occasioned it. I supposed that it was some party prejudice against Mr. Twitchell.

Q. Prejudice from what cause?—A. Simply because he was a republican and was conducting the parish matters, I suppose.

Q. Conducting the parish matters in what way?—A. Well, in regard to the parish funds, generally.

Q. Had he been conducting the parish matters for some time?—A. I think so; ever since the formation of the parish, as well as I remember.

Q. He had control of them?—A. In a great measure, yes, sir.

Q. How has he conducted the affairs of the parish—economically or otherwise?—A. I really thought it was economically.

Q. Are you acquainted with all the circumstances connected with the parish affairs?—A. No, sir; not to say familiar with them. I knew something about the administration of affairs.

Q. Did you know whether Mr. Twitchell had any enemies other than political enemies?—A. If he has, I know nothing of them. He is a man that I never knew to have any personal enemies.

Q. Then you cannot attribute the shooting of Mr. Twitchell exclusively to the fact that he was a republican?—A. I really think so. I thought it was because he was a republican and had the management of affairs.

Q. Both causes combined?—A. Yes, sir.

Q. Do you know of any well-founded complaints ever having been made against Mr. Twitchell?—A. No, sir; I do not know of a prosecution that they have ever sustained against him.

The following evidence of Andrew Bosly shows what the feeling is among republicans as to their safety in organizing clubs and actively advocating the principles of that party. Bosly is a colored carpenter, and evidently a leader among his people. Being duly sworn, says:

By Mr. WOODBURN:

Question. Are you a member of the republican party?—Answer. Yes, sir.

Q. How long have you resided in this parish?—A. I was born and raised right here, and have lived here since 1837.

Q. What is your present occupation or business?—A. I am a carpenter by trade, and also work on engines; running and repairing engines.

Q. I will ask you to state if a republican from the North comes and settles here, and acts as a peaceable, quiet citizen, and proclaims his republican principles, either on the stump or otherwise, whether he is in danger at this particular time, or whether he has been for the last two years in danger of personal violence.—A. Yes, sir; provided he carries any influence with voters.

Q. What do you mean by influence?—A. If he could carry any weight of colored voters; one hundred or two hundred voters.

Q. Are the colored voters divided in politics?—A. No, sir; they are pretty much solid.

Q. If they are a unit, what is the necessity for a man to exercise any influence upon them to get them to vote the republican ticket?—A. Because there are many political workings; there are many things. Intimidation has been practiced upon them ever since the surrender, and they desire men to rally them together and to get them to the polls.

Q. Are there any prominent colored men here in politics?—A. I am considered one.

Q. You are considered prominent among the colored men and a leader in politics?—A. Yes, sir.

Q. What is the general feeling among the colored people as to their safety in joining the republican organization?—A. The colored people at this time are demoralized—even not testifying before this committee. There are many to testify before this committee, but they are demoralized. They are speaking to me daily and daily, to know whether there will be any protection here or not.

Q. Would you consider yourself in danger, on account of your political standing, if you attempted to organize republican clubs for the ensuing campaign?—A. Yes, sir, I would; and, unless protection is thrown round about by the General Government, I consider the parish government powerless. I also, under the present circumstances, consider the General Government powerless. It has, however, under the Constitution, guaranteed to protect the citizens in their political rights anywhere, but it does not do so in this part of the country.

The following is from the evidence of Benjamin Perrow, a colored minister, who certainly must be reliable, as it is in evidence that the property-holders and laborers' union recommended him for the position of collector of taxes. Being sworn, says, to Mr. Woodburn:

Q. You have been prominent in republican politics, have you not?—A. I have been here with them all the time.

Q. State if since the riot of 1874 you have been molested in any way, or if violence has been threatened to your person, by members of the opposite party, by reason of the fact that you are a republican.—A. I have heard such a thing personally to my face.

Q. Have you ever heard of any threats being made by members of the democratic party, from any persons that were reliable, whose judgment and truth you could confide in?—A. Yes, sir.

Q. Who ever told you?—A. Mr. Miller told me. He was a man of truth. I rode with him the other day when he was returning from Natchitoches, and between Grand Ecore and Campte a gentleman was asking him in relation to the shooting scrape up here, and he told him he did not know much about it, and he stated that it was a thing that he expected—that they were going to kill out all the republican party, and were not going to be very long about it.

Q. You know the people here in Coushatta and about the town?

The WITNESS. The general mass of the people?

Mr. WOODBURN. Yes.

A. Yes, sir; I know pretty much all of them.

Q. Do you know the people generally who are now here in the court-house?—A. I know a good many faces, a large majority of them.

Q. Do you apprehend any violence from these people should you still persist in being a republican, and participating in the ensuing campaign?—A. Yes, sir, I do.

Q. From whom?—A. From the opposite party.

Q. From the party as a whole, or from individuals in the party?—A. The leading characters, I suppose.

Q. Do you know of any republicans, white or colored, that have been driven out of this community in the last two years by reason of their politics?—A. Yes, sir.

John W. Carnes, the sheriff, testifies that he did not accompany the posse that pursued the assassin of Twitchell, because he feared to do so, being himself a republican. He also says to Mr. Woodburn:

Q. If you, as a citizen of this parish, were to make political speeches and influence men to vote the republican ticket, would you be safe in your person and property from members of the democratic party?—A. I cannot answer that question.

Q. What is your opinion with reference to others who might settle here, and who would take an active part in politics?—A. They might live here, but I do not know that I could say they are entirely safe.

Q. Has anything occurred here in the last two years to induce you to believe that you would not be safe?—A. Nothing, only this last occurrence here.

Q. The assassination of Twitchell?—A. Yes, sir.

John T. Yates, ex-sheriff and a republican, testifies as follows:

By Mr. WOODBURN:

Q. I will ask you, as a republican, to state whether, if a man from the North comes and settles in this parish, and conducts himself as is required of a good citizen, and proclaims himself a believer in republican principles, and uses his influence legitimately toward the success of the republican party, can he reside here with safety to himself?—A. Well, sir, that is a very hard question you have put to me to answer.

Q. In this coming political campaign suppose that you were to get up on the stump as you have done heretofore and eulogize the republican party and its nominees and principles, would you fear or be apprehensive of any danger to your person?—A. I

would not fear or be apprehensive of any danger; but at the same time I might be shot; but I have this to say, that I intend to do it if I am shot, because I don't care who is nominated for President I am going to go on the stump.

The following is from the testimony of General W. R. Mudgett, who was with Senator Twitchell when he was shot, and who is a cool, reliable, intelligent man; a man who rose from the ranks to the position of colonel and brevet brigadier-general in the Union Army, and who has lived in that section of country for years :

By Mr. WOODBURN :

Question. How long have you resided in Red River Parish?—Answer. A little over a year. I have been thirteen years in the State.

Q. Are you a member of the republican party?—A. Yes, sir.

Q. Since your residence here has any violence ever been threatened by members of the democratic party against your person, by reason of your being a republican?—A. Not individually.

Q. Do you think it is safe, at this particular time, for a republican to be active in politics?—A. Perhaps it may be at this particular time.

Q. Can you not give a positive answer?—A. It is not safe, certainly, in my opinion.

Q. On what do you base your belief?—A. On general principles.

Q. Is not your opinion based upon the fact that there was a riot here in 1874?—A. That has not the slightest thing to do with it.

Q. What else?—A. From my knowledge of the workings of political parties since the war.

Q. Have you heard any democrat proclaim that a republican could not live here, since you have been here?—A. Not in that language.

Q. In language to that effect?—A. Well, this—

Q. Have you heard any respectable member of the democratic party in good standing in this community use language to that effect?—A. I do not know that I have.

Q. Do you believe that Mr. Twitchell was shot because he was a prominent member of the republican party?—A. I do.

Q. What makes you believe that?—A. I will tell you. My opinion is that any gentleman of the party who maintains a leading position, and exercises any influence and control over public matters as a party man, is in the way of the opposition party, and there is a strong prejudice against the republican party. A portion of it is honest prejudice. There are men in this country, I think, that believe firmly that the republican party is disposed to place the colored man above the white. It comes, I think, from prejudice, but there are people who don't take the daily papers, and don't know, outside of their own locality, what is going on in politics in the country.

The above extracts from the testimony taken is that of members of the republican party, and is certainly sufficient to prove what their opinion was of the shooting of Messrs. Twitchell and King, and of the safety of a republican in actively advocating his principles in that section.

The evidence of members of the democratic party only differs in this, that they do not *think* politics had anything to do with the shooting of King and Twitchell, but they can give no other reason for it. Indeed, two or three testify that it was probably caused by the fact that a number of arrests had been made in 1874 at the suggestion of Mr. Twitchell of those supposed to be concerned in the assassination of members of his family, and these parties or their friends revenged themselves on him. There is nothing whatever to show that there was any personal reason for the attempt to kill Mr. Twitchell. He was on good terms with every man of both parties; did not appear to have any personal enemies. The idea that it might have been Captain Yates or some other republican who did the shooting, is ridiculous. Captain Yates's evidence is sufficient to prove that; and the other republican supposed to be an enemy of Mr. Twitchell, Captain Bean, was in New Orleans, and had been for months.

With these facts before him, from the evidence, the undersigned has no doubt that the murder of Mr. King and the attempted murder of Senator Twitchell on the 2d of May, at Coushatta., La., was from political reasons alone.

And with the evidence of both democrats and republicans, partly quoted above, the other that of democrats, (referring especially to that of Messrs. De Russey, p. 663; Hayes, p. 671; and Scheen, p. 695,) there can be no doubt that a republican in that parish who has influence and is active to secure the success of his party is in very great danger of personal violence, and that unless some protection is had at the coming election hundreds of citizens will through fear of such violence be completely disfranchised.

It is claimed that a bad state of affairs has existed in the local government of the parish of Red River under Senator Twitchell and those associated with him in office there. If it were admitted that these officers were not faithful, and that they were guilty of gross wrongs in office, is that in any part of this country sufficient reason why they should be murdered as was done with the Twitchells and Willis and Edgerton and Dewees in 1874 and King in 1876, and the maiming for life of Senator Twitchell? Was there no other way if those people suffered wrongs that they could right them except by the brutal murder of all these men and the driving forth into the world of Senator Twitchell, a helpless wreck, armless? If all was true that is asserted of these men, certainly it would not justify a resort to such wholesale and fearful crimes.

But it is a fact which this evidence will demonstrate that these charges against Senator Twitchell and those associated with him in office in that parish are utterly, or for the most part, untrue. The evidence throughout is, by men of both parties, that Senator Twitchell is a strictly upright, honest man; not one witness denies this, nor does one of them give an instance of corruption on his part. To take up a few of these charges and analyze them: It is complained that in 1873 the assessment of property was exorbitant, and it was, compared with other parishes; but Mr. Marston, a democrat, testifies that the auditor of the State corrected this, and the next year and ever since the assessors had fixed about a fair value, and no complaints are made. Captain Yates testifies, and only he, that a large profit was made on the building of levees in 1871 and 1872; he says several thousand dollars in excess of what would be a fair sum was realized, but he does not say that he ever saw the contracts, or give any evidence that his assertions are true. These levees were built under direction of the State engineers, and under contract from them, and if they failed in their duty, of which there is no proof, they should be blamed, and not the contractors.

And, again, complaint is made of the building of a court-house and jail; and Senator Twitchell, and a Mr. Lisso, a prominent democrat, were indicted. Lisso only had a trial and no case was found against him, and if Twitchell had been present for trial the same result would have been reached. But at this point attention is called especially to the evidence of Mr. Jules Lisso, pages 722 and 723.

And, again, it is said that Senator Twitchell had charge of State taxes and school money, and abused his trusts. But there is no evidence of this, and the records in the auditor's office show that Senator Twitchell never had charge of these funds. That his brother, who was murdered in 1874, was robbed of school-funds then in his possession, for which his bondsmen were relieved by special act of the legislature from paying; and that all accounts with the State by the tax-collector and school-officers of Red River Parish have been promptly settled. There is nothing in this evidence to prove that one of these murdered men was dishonest. And on this point the undersigned desires to refer especially to the report made by Messrs. Wheeler, Hoar, and Frye, from a special

committee to investigate the condition of affairs in the South, to the Forty-third Congress, as they investigated fully the Coushatta murders of 1874, and made report on the same.

It is but just to say, in the opinion of the undersigned, based on all the evidence, that whoever did the shooting of King and Twitchell was not a resident of the town of Coushatta or likely of the parish of Red River; and the people in the town were in earnest in desiring his arrest.

What is the remedy for this and similar outrages of personal rights and violations of law so frequent in the South? Not, in the opinion of the undersigned, any further legislation, but, first, a more prompt and rigorous enforcement of the laws and punishment of those violating them by the local and State authorities, aided, if need be, by the power of the General Government; and, secondly, that the real and actual facts of each case as it occurs, free from any partisan coloring, should be known throughout the whole country. When these actual, plain facts can be known, such a public opinion of condemnation will be formed that they will cease.

C. B. DARRALL.

AUGUST 10, 1876.

Mr. CONGER submitted the following as

THE VIEWS OF THE MINORITY.

The committee were required by the resolution of this House to make an investigation of Federal officers in New Orleans. These Federal officers are the collector of customs, collector of internal revenue, postmaster, marshal, district attorney, register of land-office, receiver of land-office, pension-agent, surveyor-general, assistant treasurer of the United States, superintendent of United States mint, and superintendent of buildings and repairs, being twelve Federal officers, and their management for many years.

At the very outset of the investigation the committee required the several Departments to furnish a statement of all the accounts of these several officers, and found them all correct and properly settled. This official statement furnishes satisfactory evidence of the integrity and fidelity of all these officers, from the date of their respective appointment till the present time, so far as their accounts with the Government are concerned.

The universal testimony taken by the committee shows conclusively that the collector of customs had uniformly managed the business of his department with promptness and courtesy, with fidelity to the Government, and due regard to the convenience of the public; and the minority take pleasure in referring to the testimony of many of the first citizens of New Orleans to that effect, and in embodying in their views the emphatic testimonial of a large list of the most respectable business men of the city, who had the best opportunity of forming an opinion on this subject, and most of whom are not in political accord with the Federal officers whose administration they so heartily indorse; in support of which we make the following quotation from pages 512 and 513 of the printed testimony:

NEW ORLEANS, *June 14, 1876.*

Some fifteen witnesses, from among the merchants and importers at New Orleans, having been examined by the committee in regard to the management of the New Orleans custom-house, and other witnesses having been offered to testify to the like import, the following written statement, signed by the importers heretofore examined and many others, is ordered by the committee to be entered upon the records as testimony, said statement to be received as if sworn to by the signers thereto:

We, the undersigned, importers, merchants, and ship-agents, having business with the New Orleans custom-house, most cheerfully state that during the last seven years every facility consistent with law and regulations has been afforded us in our business relations with the officers of the customs, from the highest to the lowest. Every courtesy has been extended to us and attention given for the prompt transaction of business; that complaints, if made, have received a speedy hearing and remedies found, and, taken altogether, we have no hesitation in saying that, so far as we know, the customs affairs have been conducted justly and honestly in the interests of the Government and the business community.

J. H. Oglesby.
E. J. Hart & Co.
McStea & Value.
Louis Grunewald.

Navra & Offner.
Guibble & Wippert.
D. H. Holmes.
John Turpin.

Smith Bros. & Co.
 Wallace & Co.
 Peet, Yale & Bowling.
 G. R. Finlay & Co.
 August Koenig & Bro.
 J. Lewis & Jamison.
 Mullan & Holloway.
 Folger & Co.
 S. W. Moody.
 J. Doussan.
 P. Boissonnean.
 Marks Bros. & Co.
 D. L. Ranlett & Co.
 Frederickson & Harte.
 G. W. Dunbar & Sons.
 J. L. Lyons.
 A. F. Cochran & Cazares.
 C. T. Buddicke & Son.
 B. Piffet.
 John Frank & Co.
 Rareshide & Maes.
 Jackson & Manson.
 A. A. Maginnis & Sons.
 Thos H. Handy & Co.
 A. Baldwin & Co.
 A. Peiser & Co.
 Herman Isaac.
 E. Delisle & Co.
 A. Dagoret.
 E. Molinie.
 Katz & Barnett.
 H. Clostermann & Bayle.
 Hoffman, Marks & Co.
 A. Doussan.
 M. Schooler.
 Koch & Dreyfus.
 Phillip Leber.

F. A. Gonzales.
 A. Gonzales.
 F. A. Haber.
 A. Carrouche.
 C. & G. W. Weingart.
 Hebert & Co.
 Leon Pierre & Co.
 Brice Sembre.
 S. Hershheim & Bro.
 Mayer Bros.
 Bornio & Brother.
 P. L. Cusachs.
 F. Charpoux & Co.
 E. Levy & Co.
 Viple & Peret.
 P. E. Brulatour.
 Paul Gelpi & Bro.
 Chaffraix & Agar.
 J. B. Solari & Sons.
 Fernandez & Villa.
 E. Troisgros.
 U. Bassetti.
 Martin Druhan.
 U. Marinoni.
 A. Carriere & Sons.
 Lafitte & Dufilho.
 A. Rochereau & Co.
 Amidee Conturie.
 C. Cavaroc & Sons, (agents.)
 E. Dubois.
 Edward A. Yorke, agent Philadelphia S. S.
 S. Line.
 John A. Stevenson, agent Mississippi Valley
 Transportation Company.
 Woodward & Wight.
 Pim Forwood & Co., pro J. C. Ryley.

NEW ORLEANS, LA., May, 1876.

We, the undersigned importers and ship-agents, doing business with the New Orleans custom-house, respectfully state that every facility consistent with law and regulations has been afforded us in transacting the same by the officials in charge.

CHAS. A. WHITNEY & CO.,
Agents Morgan Line.

DECAN ZEREGA & CO.,
Agents Steamship Line.

NORTON & BELL,
Ship-Brokers.

WILLIAM CREEVY,
Steamship Agent.

AVENDANO HERMANOS.
 M. W. EVANS,
Agent Opposition Tow-Boat Line.

LOVELL & BAILEY,
Ship-Brokers.

C. J. SHEPHERD & CO.
 HALL & VAUGHAN,
Ship-Brokers.

MEEKER, KNOX & CO.
 ALF. MOULTON,
Agent Cromwell Steamship Line.

DE WOLF, POWELL & CO.,
Ship Agents.

RARESHIDE & IVES,
Ship-Brokers.

J. M. WITHERSPOON,
Agent Alexander Line.

JOSEPH KELLEY,
 169 Gravier street.

I. K. ROBERTS,
President N. O., Fla., and Hav. Steamship Co.

SHULTZ & CO.,

*Ship-Brokers.*ED. F. STOCKMEYER & CO.,
*Agents North German Lloyd.*A. K. MILLER & CO.,
*Agents State Line.*J. A. BRYSON & CO.,
*As Ship Agents only.*C. M. SORIA,
Agent Mandeville, Covington and Pensacola Steamers.

In regard to all the other Federal officers above referred to, the testimony shows an able, honest, and efficient administration of the public business, and a management thereof worthy of commendation; and the minority cordially indorse the report of the majority thereon, as embraced in the following quotations from the majority report:

We believe, from the examination we have given the marshal's office, that its business, as connected with the courts, has been admirably managed; that he has faithfully complied with the law in making returns to the officers who exercise supervisory powers over that office, to whom he is required to report.

He has uniformly been prompt, courteous, and obliging in person and by his deputies toward persons having official business with him.

James R. Beckwith is the United States district attorney at New Orleans. He was appointed in October, 1870, and has held that office ever since. There has, during said period, been a great accumulation and pressure of business in the Federal courts at New Orleans. It has required industry and ability on the part of the district attorney to successfully discharge the duties devolved upon him.

The testimony shows that the Government has a zealous and able representative in the person of Mr. Beckwith.

Your committee had no complaint against the present postmaster, register, or receiver of the land-office, surveyor-general, or pension-agent at New Orleans, that called for any special investigation, and, so far as their inquiries extended, found their offices conducted in the interest of the Government and the convenience of the people.

The minority were desirous of joining with the majority in a report, and, when the majority report was submitted to them, moved to amend it in the five particulars specified below, which was refused, on a call for the ayes and noes, by a strict party vote, which left no alternative but to permit great injustice to innocent men, or to express their dissenting views.

The following are the five points referred to and voted upon, viz:

1st. Strike out that part of the report which charges that Collector Casey obstructed the investigations of the committee.

2d. Strike out whatever of the report charges that the subordinates of the custom-house obstructed the investigations of the committee.

3d. Strike out whatever of the report charges the marshal, Mr. Packard, with intentional violation of law or duty in the appointment of any of the marshals referred to in the report.

4th. Strike out so much of the report as reflects upon Mr. Kinsella on account of his sons' employment by the Government.

5th. Strike out so much of the report as reflects upon Collector Casey, as disbursing-officer, in connection with the work under the Davis contract so-called.

As to the first motion, the minority of the committee desired to strike out that portion of the majority report charging Collector Casey with obstructing the investigation by the committee, on the ground that such charge is founded on the evidence alone of a witness named Seelye, whose testimony was admitted by the whole committee to be entirely unreliable, and even if worthy of any credit does not, in the opinion of the minority, at all sustain the conclusions reached by the majority.

As to the second motion to strike out, the minority assert with all confidence that a careful examination of the direct and cross examination of the testimony of every witness examined on this subject will satisfy any unprejudiced mind that there is not the least ground for the charge, nor even for the suspicion, that any subordinate of the custom-house

attempted or desired in any manner to hinder or obstruct a full and perfect investigation by the committee, but, on the contrary, the minority believe and assert that all officers of the custom-house were willing and anxious to assist the committee in their investigations by furnishing all the information within their knowledge, and that the learned counsel who appeared in behalf of the custom-house officials voluntarily produced all the proofs within their control or within the control of the custom-house officials asked for or required by the committee.

As to the third motion made to strike out, the minority are surprised to find in the majority report the assertion "that section 2021 of the Revised Statutes is the only statute authorizing the appointment of deputy marshals for election purposes, so to speak," when they might have found that section 780 authorizes the appointment of deputy marshals at large, who were by virtue of such appointment fully competent under the law to discharge any duties devolving upon them anywhere within their judicial district in executing writs placed in their hands, and preserving the peace, whether connected with elections, violations of the law, or other duties committed to their charge; and the minority further say that there is nothing in the testimony connecting the marshal, either by knowledge, intention, or consent, with the action of any of his deputies in regard to the matters relating to steamboat charges, or with the accounts relating to the keeping of prisoners in the parish prison; and that the reflections of the majority upon this efficient, capable, and honest officer are entirely uncalled for and unjust.

As to the fourth motion to strike out, the minority fail to see any violation of law or unjust favoritism in the employment by the Government of active and efficient messengers and clerks necessary to the service for the sole reason that they are the sons of old, faithful, and tried officers of the Government, and that this reflection upon an officer of the acknowledged fidelity and ability of Mr. Kinsella is wholly unwarranted by the testimony, and deserves this protest from the minority of the committee.

As to the fifth motion to strike out, the minority say that Collector Casey appears from all the testimony to have had no other connection with the work under the Davis contract, so called, than to act as disbursing-officer under the direction of the Secretary of the Treasury in paying out moneys appropriated by law for this work upon the vouchers of the proper officer in charge of buildings and repairs in that collection-district. The minority have labored earnestly to ascertain what testimony or what influences could have induced the majority of the committee to differ so widely from almost the entire body of respectable and honorable business men of the city of New Orleans in their estimate of the worth, efficiency, and courtesy of Colonel Casey, the collector of the port of New Orleans; and they prefer to join with all those good citizens of Louisiana in upholding and sustaining such an officer, rather than with the majority of the committee in assuming to be privy councilors of the Chief Executive of the nation and recommending his removal from office.

The minority of the committee respectfully submit these views with the confident assurance that the testimony, if carefully examined, will convince all of their propriety and justness.

O. D. CONGER,
C. B. DARRALL,
WILLIAM WOODBURN,
Minority of the Committee.

AUGUST 10, 1876.

TESTIMONY

TAKEN BY

THE SELECT COMMITTEE APPOINTED TO INVESTIGATE THE CONDUCT OF FEDERAL OFFICERS AT NEW ORLEANS.

WASHINGTON, D. C., *May* 15, 1876.

EDGAR SELYE sworn and examined.

By the CHAIRMAN :

Question. Where do you reside?—Answer. New York City.

Q. What is your occupation?—A. Clerk in the custom-house in New York.

Q. How long have you held this position?—A. Since the 1st of May.

Q. Were you ever in the State of Louisiana?—A. Yes, sir.

Q. When, and for what length of time?—A. Since, I think, the early part of 1870 or the latter part of 1869 until the 1st of July, 1875.

Q. What was your occupation there?—A. I was, on the 18th of June, 1872, commissioned as special agent of the Post-Office Department in Louisiana.

Q. Have you any knowledge of any fraudulent pay-rolls having been made out in the custom-house at New Orleans?—A. I have, sir.

Q. State what you know about those pay-rolls, where they were made out, by whom, and for what purpose?—A. I decline to answer that question, for the reason that I would criminate myself; and in answer to that I will present the following answer :

The witness then read the following communication :

"May 15, 1876.

"MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: I have been called before you to testify, I suppose, to certain matters pertaining to the conduct of Federal officers in Louisiana. To prevent my coming here both bribes and threats have been used. I cannot testify before you without subjecting myself to criminal prosecution here and perhaps in Louisiana; and while I would have but little fear of a fair trial, I know, for I have been threatened to that effect, that proceedings would be taken against me in Louisiana; and on account of the unfortunate condition of affairs in Louisiana and the prostitution of its judicial tribunals to the will of its corrupt and usurping governor, I would have arrayed against me the whole power of that State. Obtain for me immunity from the proper source, and I will tell truthfully all I know; otherwise I will be silent. I prefer to be the prisoner of the House of Representatives for contempt than to be the victim of a conspiracy in Louisiana or here.

"EDGAR SELYE."

By Mr. NEW :

Q. What other Federal positions, or offices, or employments did you hold or have, if any, while in New Orleans?—A. I was commissioned deputy United States marshal on the 17th of October, 1872, and held it up to December, 1874. My position as special agent of the Post-Office Department I held up to January 1, 1875.

Q. Did you hold any other official position?—A. No, sir; not by the United States.

Q. Or any Federal employment, although not by a commission?—A. No, sir; no Federal position.

Q. When do you say you left New Orleans?—A. July 3rd or 4th; in that neighborhood.

Q. Of what year?—A. Of 1875.

Q. Did you discharge any duties as marshal?—A. Yes, sir.

Q. What was the nature of the duties required of you and discharged by you?—A. I arrested post-office thieves—parties who were in the postal service that were charged with embezzlement; I also executed some warrants during 1874, just prior to the campaign.

Q. You say you executed some warrants; what kind of warrants were they, for what were they issued, and upon what ground were they issued; explain, if you know?—A. They were issued by United States Commissioner Jewett under the enforcement act.

Q. With what were the parties to be arrested charged?—A. They were charged under the enforcement act.

Q. Did you make arrests upon those warrants?—A. I did; yes, sir.

Q. How many?—A. I think there were nine.

Q. Do you remember whether those warrants, or any of them, were in blank when they came into your hands?—A. No, sir; not those warrants.

Q. Were any warrants for the arrest of persons placed in your hands that were in blank, and where the name of the party to be arrested was not in the warrant when delivered to you?—A. There were blank warrants placed in my hands.

Q. Did you understand the blank warrant to be such a warrant as I have described?—A. Yes, sir.

Q. Were those blanks afterward filled?—A. No, sir.

Q. Were any arrests made upon those warrants without those blanks being filled?—A. No, sir.

By Mr. HOSKINS:

Q. You have stated in answer to a question of the chairman that you had knowledge of the making up of fraudulent pay-rolls in the custom-house. Were you at that time in the employment of the custom-house yourself?—A. No, sir.

Q. Then you did not derive the knowledge by virtue of any official position you held?—A. No, sir; not in the custom-house.

Q. Or by virtue of any position you held under the United States Government? Do you regard any official position under the United States Government that you held as the means of giving you the knowledge you had?—A. I decline to answer that question.

Q. Upon the same ground as the other question?—A. Yes, sir.

Q. If you had not received these threats that you would be prosecuted can you say now whether you would have declined to answer these questions solely upon the ground that it would criminate you?—A. I think it would place me in a different position.

Q. Do you mean before the committee now?—A. Yes, sir.

Q. That is, it would have placed you in a different position if these threats had not been made?—A. Yes, sir.

By Mr. NEW:

Q. What do you mean by saying it would place you in a different position before the committee? But for those threats would you answer these questions?—A. I do not know that I would answer them, but I think it has placed me in a little different position to what I would have been in if I had not been threatened. It has made me use more caution.

Q. When were these threats made? Was it prior to the appointment of this committee or subsequent?—A. Prior and subsequent.

Q. Will you state to the committee whether these threats were made by persons holding positions under the United States Government or if any of them were made by such persons?—A. They were made by a member of the present Congress and by others.

Q. Do you mean by others, persons who hold positions under the United States Government?—A. Yes, sir; one of them I think does.

Q. By what member of Congress was the threat made?—A. By Mr. Morey, member from Louisiana.

By Mr. REILLY:

Q. Have you any objection to giving us the name of the other persons who hold office?—A. Mr. Ayer, on Saturday, at the President's grounds, told me I would find myself in the penitentiary if I testified to these facts.

Q. What position does he hold?—A. I believe he is deputy United States marshal; he is brother-in-law to Marshal Packard. Then there is Mr. Louis Souer, member of the Legislature in Louisiana, who threatened me in New York.

By Mr. CONGER:

Q. You say in this letter "to prevent my coming here." Does that mean coming from Louisiana here?—A. From New York, sir, since this subpœna had been issued, although I had no positive knowledge that it had been issued.

Q. You say threats and bribes have been used to prevent your coming here?—A. Yes, sir.

Q. That was before you came here?—A. Yes, sir.

Q. When were those threats and bribes used?—A. On the 4th and 5th of this month.

Q. How were they conveyed to you?—A. By Mr. Souer to me.

Q. From whom?—A. From Mr. Morey; Souer was negotiating from Mr. Morey; he showed me one of his telegrams.

Q. Has Mr. Morey had any communication with you?—A. Yes, sir; by letter.

Q. Have you his letter?—A. No, sir.

Q. Where is his letter?—A. I have it in my room.

Q. Can you produce it?—A. Yes, sir.

- Q. Have you a letter containing these threats; that is what I am inquiring about?—
A. Not exactly threats from him in the letters; no, sir.
- Q. Have any such threats as you speak of been made or bribes offered from Mr. Morey direct to you?—A. Not in any letter to me.
- Q. Or personally?—A. I have. I have been threatened personally.
- Q. You have had a conversation with him in which you have been threatened?—A. Yes, sir; with prosecution.
- Q. Personally?—A. Yes, sir.
- Q. When?—A. The 3d of January.
- Q. Where?—A. New York City; Fifth-avenue Hotel.
- Q. What threat did he use?—A. I will give his language in substance as near as I can remember it. He told me he learned that I was going to expose about these frauds and outrages in Louisiana, and said I had best make no mistakes; that those whom I hit would use their utmost to prosecute me; that indictments were pending now against me in Louisiana for cutting the telegraph-wires and kidnaping, and that those indictments would be held over in case I said anything about these matters.
- Q. Anything else?—A. That is all I remember at present.
- Q. That is the substance of what Mr. Morey said to you?—A. Yes; excepting offering money for me to keep quiet.
- Q. State that to the committee?—A. I have a written agreement of his in his own handwriting, where he agreed to furnish me a position in the New York custom-house, or in the United States secret service, at a salary of not less than \$120 a month; and in the event of his failure to secure the position he was to pay me \$120 a month. In November, 1876, in the event that I should receive this position, or the amount equivalent to it for each month, all this documentary evidence which I held against him was to go into his hands.
- Q. Are those the terms of the agreement?—A. Those are, about as near as I can remember.
- Q. Have you that paper?—A. I have that paper—not with me, but I can produce it in half an hour.
- Q. Does that paper contain any consideration for this agreement?—A. One hundred and twenty dollars a month.
- Q. Does it give any reason why he should appoint you to this place?—A. He gave me those verbally.
- Q. I asked you if that paper contained that?—A. No, sir.
- Q. Then the paper on its face is no proof of the fraudulent offer of this position or money?—A. No, sir; but I have further proof; I have a witness who was present at the time. Mr. Morey failed to keep his agreement.
- Q. Who is the witness?—A. Samuel A. Hatch, formerly of New Orleans; he is now in New York.
- Q. You say he failed to keep his agreement?—A. He did; he came over to New York, and paid me \$200 in cash and gave me five notes of \$100 each for these papers, which were delivered to him in the presence of Colonel Hatch for this consideration I speak of—\$200 in cash and five notes of \$100 each.
- Q. What papers?—A. For the documentary evidence criminating him in Louisiana.
- Q. What was the character of the papers?—A. Fraudulent United States warrants, and papers showing his connection with other matters there of a criminal nature.
- Q. Official papers?—A. I do not know that you would call them official.
- Q. Are there copies of those papers on file anywhere?—A. I have copies.
- Q. Are there official copies on file anywhere in any of the Departments?—A. No, sir.
- Q. Or in any office anywhere where they can be reached?—A. No, sir; that is if you mean the letters that I had.
- Q. I mean these documents you speak of, these fraudulent warrants and altered warrants.—A. No, sir; there are none. If he has them, I do not see how they can be on file.
- Q. You gave the originals to him?—A. Yes, sir; I gave him the originals.
- Q. That connection with Mr. Morey is the basis upon which you say bribes and threats have been used?—A. No, sir; not entirely.
- Q. What besides that is there?—A. I had had bribes offered to me in New York not to come over here from Mr. Morey, by Mr. Souer.

By Mr. NEW:

Q. You spoke a while ago of having some papers which you could produce before the committee; are those original papers or copies?—A. They are copies of the papers that I delivered to Mr. Morey for the consideration that I spoke of; the originals, however, have been seen by half a dozen prominent and respectable gentlemen.

By Mr. REILLY:

Q. Do you know where the originals are now?—A. I do not know, unless Mr. Morey has them.

Q. The last you saw of them they were in his possession?—A. The last I saw of them they were in his hands.

By Mr. HOSKINS:

Q. By whom were these warrants issued?—A. They were fraudulently signed by Mr. Morey.

Q. How do you know that?—A. I saw him do it.

Q. You saw him sign warrants?—A. Yes, sir; blank warrants.

Q. And he gave them to you?—A. He gave them to me.

Q. For what purpose?—A. To be filled in at his order for the arrest of prominent men in Louisiana, during the 1874 election.

Q. What position was Mr. Morey then holding?—He was a member of Congress.

By Mr. CONGER:

Q. From what court were these warrants issued or did they purport to be issued?—A. The name of the United States commissioner, W. J. Q. Baker, was forged by Mr. Morey to these warrants in my presence.

Q. And were you then marshal?—A. I was then marshal.

Q. Were they delivered to you for service?—A. They were delivered to me; in the event that Mr. Morey wanted them filled in he would tell me whose names to put in.

By Mr. HOSKINS:

Q. Did you ever serve those warrants?—A. No, sir.

Q. Did you ever make any arrests under them?—A. No, sir.

Q. Did you ever attempt to make any arrests under them?—A. No, sir.

Q. Were you at that time special agent of the Post-Office Department?—A. Yes, sir; but I never received any pay for services as deputy United States marshal. I had that commission in order that, in case I undertook to arrest a post-office thief, I would not have to go to some other town where there was a commissioner and get my warrant and come back and find the man gone.

Q. What position are you now holding?—A. I am clerk in the New York custom, house.

Q. Did you resign as special agent of the Post-Office?—A. No, sir.

Q. How were you removed?—A. I suppose Mr. Darrall can tell you that. I was removed because I arrested too many thieves down there and was too vigilant.

Mr. DARRALL:

Q. This commission as deputy marshal you held before 1874?—A. I held it since the 17th October, 1872.

Q. You held that office continuously for the reason you speak of?—A. When I was first appointed it was for the purpose of using me in 1872 during the election; that was the understanding, I think; Mr. Morey had me appointed.

By Mr. CONGER:

Q. You say in this letter to the committee, "obtain for me immunity, and I will tell truthfully all I know;" immunity from what, do you mean?—A. The Attorney-General.

Q. Immunity on account of what? What do you need immunity for?—A. My having a knowledge of these facts and the testimony I should give. These same parties it reflects upon would turn round and have me indicted on my own testimony. While the United States statute says my own testimony would not criminate me, at the same time the data, the names of witnesses, and the documents I should produce would furnish them with evidence against me that they would base indictments upon.

Q. If you tell truthfully all you know about this, with a full knowledge of the law that you would have protection against the consequences of anything arising from what you might testify to, do not you consider that that would render you safe enough; does not that sufficiently protect you for telling what you know? Do not you think that the law as it now stands sufficiently protects you?—A. No, sir; if I should give names, and data, and produce documents, &c., it would be used against me; they would base indictments on it.

Q. Do you think that knowledge is secret now and is hidden from these persons?—A. I do not know.

Q. If it is not, your telling it would not make it more known?—A. I do not know.

Q. Your objection to testifying before this committee truthfully all you know is that it would tend to criminate yourself?—A. It would undoubtedly criminate me.

Q. And that is the reason you refuse to testify?—A. It is the reason.

Q. And the sole reason?—A. The sole reason.

Mr. BLACKBURN moved that the chairman of the committee be instructed to confer with the Attorney-General, conveying to him the facts as developed in the partial examination of this witness, and asking at his hands that guarantee of protection which

he (the Attorney-General) has, at least in one other instance, given to a witness similarly situated during the present session of Congress.

Mr. VANCE seconded the motion.

Mr. BLACKBURN temporarily withdrew his motion.

By Mr. REILLY :

Q. Tell us the time when these fraudulent pay-rolls were made out?—A. I decline to answer that at the present time.

Q. Could you answer it?—A. I could.

By Mr. CONGER :

Q. Have you any objection to giving the committee the names of any persons who have knowledge of the issue of the fraudulent pay-rolls in your judgment?—A. I could give the names of two parties that made up fraudulent pay-rolls, but at this present time I do not think I should do it.

Q. That is, the persons that received the pay upon them?—A. I do not know the persons; but a person received pay probably.

Q. You mean the monthly pay-rolls in the custom-house?—A. Yes, sir.

By Mr. HOSKINS :

Q. The pay-roll is made up, and on that pay-roll each name entitled to pay appears, with the length of service, and the amount he is to receive, and attached to that is his signature?—A. Yes, sir.

Q. The making up of that pay-roll is done by some person in charge of the making up of the pay-rolls?—A. Yes, sir.

Q. You have knowledge that fraudulent pay-rolls were made up, but it does not follow that every pay-roll thus made up is paid. Have you knowledge that money has been paid from the United States Treasury on these fraudulent pay-rolls, as you call them, or is your knowledge simply that they were made up in blank?—A. No, sir; I am speaking of the signatures.

Q. What is your knowledge in regard to those pay-rolls? You say that you have seen pay-rolls that you say are fraudulent; against those several amounts have you seen the signatures of the payees, the parties to whom this money was paid?—A. I cannot answer that question.

Q. Do you mean to say you have seen them or not?—A. I have seen them; yes, sir. I have seen the signatures.

Q. Have you ever seen, by any United States official, any money paid to any of these parties named on those pay-rolls? I am now speaking of your own knowledge.—A. No, sir; I have never seen money paid.

Q. But you have seen the pay-rolls, and seen several signatures standing against them?—A. Yes, sir.

Q. You do not know of your own knowledge whether money was paid or not upon them?—A. No, sir.

By Mr. NEW :

Q. In making up those fraudulent pay-rolls that have been referred to, was or was there not more than one person connected with the making up of those fraudulent pay-rolls?—A. There was more than one person.

By Mr. BLACKBURN :

Q. Is that signature that appears on the pay-roll, or not, the receipt for the amount of money opposite to which it stands on the pay-roll?—A. It is considered as a receipt.

Q. Is it by those signatures thus placed opposite the names and the amounts due the several employes, as by vouchers, that the settlement of the collector is made?—A. Yes, sir.

Q. Those signatures are vouchers to the collector?—A. Yes, sir; that is, the pay-rolls on which those signatures are.

By Mr. HOSKINS :

Q. You are now speaking of the custom-house in New Orleans?—A. Yes.

Q. You are acquainted with the *modus operandi* of the custom-house?—A. Yes, sir.

Q. Who makes up those pay-rolls?—A. The clerk generally, I suppose.

Q. Do you mean the chief clerk of the department?—A. I do not know. A clerk makes them up.

Q. Do you know who makes them up?—A. I do not know.

Q. You do not know what he is called, whether the chief clerk, or the roll-clerk, or what he is called, or the character by which he is designated?—A. No, sir.

Q. You understand that there is a department in the custom-house or a clerk, charged with the making up of those pay-rolls?—A. I presume there is.

Q. Do you know there is?—A. Not positively.

Q. So you do not know who the clerk is, or whether there is a clerk charged with that specific duty?—A. I do not.

Q. Where did you first see these pay-rolls that you have described as fraudulent pay-rolls?—A. I cannot answer that question; I decline to answer.

Q. How many have you seen?—A. A great many.

Q. About how many?—A. I decline to answer that question.

Q. Are you not willing to say whether it was a hundred or less—the number of sheets?—A. It will be guess-work; about thirty or forty a month.

Q. About how many names were there on each pay-roll?—A. I might as well tell you the whole thing as to get it out of me in dribblets, and I decline to answer any further questions on the subject.

Q. You decline to answer how many names appear on each pay-roll?—A. I presume there were from forty to sixty names.

Q. On each pay-roll.—A. Not on each pay-roll; there were many rolls, and some had more on them than others.

Q. You say they ran from forty to sixty names on a roll, in your judgment?—A. No, sir; not so many as sixty; probably ten to twenty.

Q. It is your judgment that they ran from ten to twenty names on each roll. About how many rolls have you seen, say for January, or February, or March?—A. Gentlemen, I decline to answer any further questions that would criminate myself. I refer you again to my letter.

Q. You decline to answer that question on the ground that it would criminate yourself?—A. Yes, sir.

By Mr. CONGER:

Q. The rolls that you speak of are all filed in the Treasury Department as the vouchers of the collector?—A. Not all of them; one is kept by the collector.

Q. One is filed with the Secretary of the Treasury in the Treasury Department and one is kept as a voucher in the office?—A. So I understand.

Q. So they are public papers, accessible in the office wherever they may be?—A. Undoubtedly, if they are there.

Q. If they are where?—A. If they are on file.

Q. And whatever you may have seen in any such papers is on the papers that should be on file?—A. Yes, sir.

Q. In the office, and of which duplicates and triplicates should be in the office?—A. Yes, sir.

Q. And the part of it which you have alluded to as fraudulent was the signatures of persons not entitled to receive pay?—A. The signatures are fraudulent.

Q. That is, there were names signed to these as receipts that were fictitious names?—A. Yes, sir.

Q. Names of persons not in the employment of the Department?—A. Yes, sir.

Q. Did you see those fictitious names signed?—A. I did; by two parties.

Q. Will you state in what year this was?—A. In 1872.

Q. Any other year?—A. No, sir.

Q. Do you confine the fraudulent signatures to which you have alluded to the year 1872?—A. To the year 1872.

Q. Do you remember the month of the year, or which monthly report these signatures are in?—A. I cannot answer that question.

Q. Because you do not remember?—A. No, sir; I do not remember the months.

By Mr. HOSKINS:

Q. You claim to have witnessed these two signatures yourself?—A. I said that I had seen two parties sign them.

Q. Have you ever seen any parties sign these, signing on the margin, which amounts to a receipt for the money set opposite?—A. Those are the signatures that I have referred to.

Q. You have seen two parties sign?—A. Yes; sign the names of those parties.

By Mr. NEW:

Q. Do you mean they signed their own names or the names of other parties?—A. Other names, the names of supposed employes of the custom-house.

By Mr. HOSKINS:

Q. Do you mean that they signed the names of other people?—A. Yes, sir.

Q. To how many pay-rolls?—A. To the whole number of pay-rolls.

Q. You have seen the same parties sign the names right down through on the pay-rolls to which you allude?—A. Yes, sir.

Q. Does not that go right through the year 1872?—A. No, sir.

Q. Only a portion of it?—A. Several months of 1872.

Q. Do you know whether these parties whose names appear on there were in the customs service of the United States or not?—A. If they had been they would have signed their own names.

Q. Do you know whether they were or not?—A. I know they were not.

Q. Do you know that none of them were in the service?—A. No, sir, they were none of them in the service.

By Mr. BLACKBURN:

Q. I understand from you that, if granted the immunity you ask from prosecution by reason of any developments that your testimony may make, you will be able to furnish this committee with information from those rolls as to who were the parties drawing pay fraudulently upon those rolls?—A. Yes, sir.

By Mr. NEW:

Q. And how the rolls were gotten up, and by whom?—A. Yes, sir.

By Mr. HOSKINS:

Q. Are there any such men as are there represented as the several parties that are signed there?—A. No, sir, there are no such men as the names; they were hap-hazard names, that just came in their memory at the time.

Q. Do you know of your own knowledge whether any money was paid by the collector of the port of New Orleans, or any public officer, on those rolls?—A. Simply from the conversation of one of these parties.

Q. Do you know of your own knowledge of any money ever having been paid to any party upon those rolls which have been described by the United States authorities?—A. I never saw any money paid.

Q. You do not know it of your own knowledge?—A. Only from what one of these parties remarked.

By Mr. BLACKBURN:

Q. If it was one of the parties that were signing these fictitious names, and receiving the money, do you know it in that way?—A. That is the way I knew it.

By Mr. HOSKINS:

Q. Do you decline to give his name?—A. I decline to answer any question that will criminate me at present.

Q. Were you one of the parties that signed these rolls?—A. I decline to answer that question.

Q. For what cause?—A. I refer you to my letter.

Q. Is it on the ground that it will criminate yourself?—A. Yes, sir.

Q. Do you know of any but two parties that have signed these pay-rolls in this way?—A. I know of but two parties.

Q. You decline to answer whether you were one of them or not?—A. There were three persons in all that signed these rolls.

Q. Did you see any more than two persons?—A. No more than two persons.

By Mr. CONGER:

Q. Do you know of any but two persons connected with it?—A. I do not know of any but two persons.

Q. At the time referred to, in the year 1872, were you in any way connected with the custom-house?—A. No, sir; not as an employé.

Q. Were you connected with it in any official capacity?—A. I was special agent of the Post-Office Department, and held the position of deputy United States marshal without pay.

Q. Had you any right officially, by virtue of any connection with the Government, to have these pay-rolls?—A. I did not say I had them.

Q. Or to see them?—A. I did not have the pay-rolls.

Q. Had you any right by virtue of any office you held to examine, or see, or have anything to do with these pay-rolls?—A. I had nothing to do with the custom-house, sir.

Q. Nor with these pay-rolls?—A. I had nothing to do with them officially; no, sir.

Q. Had you anything to do with them privately?—A. I said a minute ago I declined to answer that question.

By Mr. HOSKINS:

Q. Do you know who made up these pay-rolls; not the signatures, but the pay-rolls?—A. I do not; not the body of the pay-rolls.

Q. Do you know whether or not they were made up by any officer of the customs service?—A. I do not know.

Q. Have you any information upon that subject?—A. None other than the conversations that I held with the parties that made them out.

Q. I mean everything except the signatures.—A. I refer to the signatures only.

Q. Do you know who made out the body of those pay-rolls?—A. I have said I do not.

Q. You do not know that they were made out by any person who was connected with

the customs service?—A. I do not know that they were of my own knowledge, except what was said to me regarding receiving the money. That is all. I did not see who made them out.

Q. You do not know of any information that you can give the committee that they were so made out?—A. No, sir; not the body of the roll.

Q. Do you know of your own knowledge of any person holding an official position under the customs service at New Orleans having signed the names to those several rolls?—A. No, sir; there would be no room on those pay-rolls for signatures; they were all put on there, and therefore no one else could sign any names there.

Q. Do you know of any person who is connected with the customs service at the port of New Orleans who wrote those several signatures?—A. No, sir.

Q. Do you know of any person who was connected with the customs service in New Orleans who wrote any of those names?—A. No, sir; there was no one connected with the customs service that wrote those names; the parties were not connected with the service.

By Mr. NEW:

Q. Have you any information to the effect, or tending to show, that any person, either directly connected with the custom-house or at the instance of any person connected with the custom-house, either got up the body of the pay-roll, or suggested, or directed, or countenanced the signing of those pay-rolls in the manner you have described?—A. I do not know who in the custom-house made out the body of the rolls.

Q. Have you any information that some person or persons in or connected with the custom-house was connected with it?—A. I never saw the rolls after the signatures were placed to them.

Q. Or was privy to, or took part in, directly or indirectly the getting up of the body of those pay-rolls, or the signing of those fictitious names afterward, by procuring it to be done, by countenancing it, or by allowing it, and acting on it afterward?—A. No, sir.

By the CHAIRMAN:

Q. Have you any reason to believe that parties in the custom-house were connected with these fraudulent pay-rolls?—A. Undoubtedly.

Q. What are the grounds or reasons that induced you to believe that they were connected with the making up or the payment of those fraudulent pay-rolls?—A. Simply from the remark that one of the parties made that the money was paid.

Q. You say that these parties were not in the employment of the custom-house; were they United States officers, or connected with the United States Government in any capacity, or occupying positions of influence or of importance under the Government of the United States or the State government?—A. Yes, sir; one of them is a member of this present Congress, and was a member at the last session.

Q. Are the other parties connected with the United States Government, or with the State government, or do they hold any position in any capacity whatever?—A. He was at that time connected with the State government, but now is in the United States service.

Q. What was his position in the State government?—A. I think he was supervisor of registration at that time.

Q. You mentioned the fact that you had, while acting as deputy marshal, made arrests of certain citizens just before the election in 1874. By whom were those warrants issued?—A. The warrants upon which they were arrested were issued by D. J. M. A. Jewett, United States commissioner.

Q. Who made the affidavits before the commissioner to procure the warrants?—A. I have forgotten all the names, but there was a gentleman by the name of Fountain, and I think the Green family, in Lincoln Parish.

Q. Was there any arrangement or plan, of which you had any knowledge, to procure the issuance of these warrants, by any persons interested in the election, or for political influence, from this United States commissioner?—A. Yes, sir.

Q. State who were the parties to any such arrangement, and what was the direct and special purpose had in view by them.—A. I do not think I could answer that question without criminating myself, and still my answer probably would not—I do not know. The arrangement was made by Mr. Morey, member of Congress for that district. These parties were arrested on the eve of the election there.

Q. Had they violated the peace, or had they broken the laws, or had they threatened anybody's life?—A. That I do not know. I simply obeyed the warrant that was placed in my hands by the United States commissioner.

Q. What, then, was the purpose? You said they had a political purpose. What was the purpose in making these arrests?—A. It was to take these prominent democrats from Claiborne Parish and keep them out of the way until after the election.

Q. Were the United States troops engaged in that?—A. Yes, sir; Lieutenant Hodgson, of the Seventh United States Cavalry, and about seventeen men.

Q. Under whose orders were they?—A. They seemed to be under Mr. Morey's orders.

Q. Was this officer ever tried for misconduct on the occasions that are now alluded to?—A. He was; yes, sir.

Q. Was he, to your knowledge, acquitted or found guilty?—A. He was tried by a court-martial and acquitted; that is, reprimanded and ordered to his regiment; he was simply reprimanded.

Q. Then he could not have been acquitted.—A. I should have said at first reprimanded.

By Mr. NEW :

Q. You mean to say he got nothing beyond that reprimand?—A. That is what I mean to say. I mean to say he was not cashiered.

By the CHAIRMAN :

Q. What was the name of the United States commissioner who issued these warrants?—A. Jewett.

Q. How long had he been United States commissioner, and where was he stationed as United States commissioner?—A. He was commissioned for Jackson Parish.

Q. What is the seat of that parish?—A. I think it is Vernon.

Q. How long had he been commissioned when he issued these warrants?—A. I cannot give you the exact dates; he was commissioned in 1872, and his commission revoked; then he was recommissioned again, and that was revoked; and at the time these warrants were issued by this commissioner, I learned afterward, he was not a commissioner. He obtained a commission directly after the examination of these prisoners.

Q. How did you ascertain he was not a commissioner at the time he issued these warrants on which you made these arrests?—A. Mr. Morey told me he was not, and asked me to address a letter to Packard asking for a commission to be sent to Jewett, to be antedated in June or July by Judge Woods—to antedate it to that date to cover up, I suppose, his official action in North Louisiana.

Q. Did you write such a letter?—A. I did.

Q. And what reply, if any, did you get?—A. The commission was forwarded by Mr. Packard to me, inclosed in a letter, with the reply that Judge Woods declined to antedate the commission; that the commission must be spread upon the minutes of the court from the day it was issued; it was then dated about the 26th or 27th of October—I have forgotten exactly now. It reached us the 28th, and these prisoners had all had their examination before it reached us.

Q. So you know by that fact that he was not a United States commissioner at the time that these warrants were issued and arrests made?—A. Yes, sir.

By Mr. HOSKINS :

Q. Have you that letter you speak of from Marshal Packard?—A. I have not.

Q. Could you obtain it?—A. No, sir; I destroyed it at that time.

By Mr. NEW :

Q. Was there any particular ground, except the subject-matter of it, that made you destroy it?—A. I think I received it in the street, and destroyed it on my road from the post-office, and then I handed the commission to Jewett when I got to the hotel. I did not want to lumber up my pocket with a lot of papers.

By Mr. VANCE :

Q. Do I understand you to say that the warrants were signed by a man not a United States commissioner, and the parties arrested and tried before this man while he was not yet a United States commissioner?—A. Yes, sir.

By the CHAIRMAN :

Q. What was the nature of the proceedings had on the arrest of these citizens—what was done with them? Were they carried away from their homes and families and incarcerated in prison, and were they required to undergo a formal examination before this so-called United States commissioner; and, if so, what was the evidence, and what was done with them?—A. The prisoners were arrested on the 24th of October at Homer; we arrived at Greensborough on the morning of the 25th, just before daylight.

Q. Do you mean carrying them with you?—A. Yes, sir.

Q. Conducting them as prisoners?—A. Yes, sir.

Q. How far is Greensborough from Homer?—A. I should judge thirty or forty miles; I have forgotten exactly. The intention was to take them right to Monroe and examine them; but Morey was stopping there at Greensborough, and ordered that they should be put in jail at Vienna, which was about six miles from Greensborough.

Q. Were they put in jail?—A. Yes, sir. Hodgson and the command and myself were ordered to go back to Claiborne Parish after more prisoners.

By Mr. NEW:

Q. Ordered by whom?—A. By Morey. That afternoon the sheriff of Claiborne Parish served a writ of *habeas corpus* upon myself, and the prisoners were taken to Monroe, where we originally intended to go.

By the CHAIRMAN:

Q. How far is Monroe from the homes of these prisoners?—A. Forty-five to fifty miles, I think.

Q. Were they carried in any public conveyance, by rail or by coaches?—A. In a wagon.

By Mr. REILLY:

Q. A wagon gotten for the occasion?—A. A farm-wagon.

By the CHAIRMAN:

Q. The cavalry accompanying you, as an escort and guard?—A. Yes, sir.

Q. Lieutenant Hodgson was commanding the cavalry?—A. Yes, sir.

Q. Did Mr. Morey, whom you mention as giving orders to Lieutenant Hodgson, accompany you?—A. No, sir; he rode on ahead.

Q. Where were you when this body of people moved out from Vienna?—A. I was with them.

Q. When they got to Monroe were they tried?—A. They were examined.

Q. Were there any witnesses against them?—A. Yes, sir; I believe there were several.

Q. Can you give the names of the witnesses, or any of them?—A. Scott Raines was one; I have forgotten the names.

Q. What was done with them?—A. They were released on bond.

Q. Do you know whether they have ever been tried since, or whether their cases were sent up?—A. No, sir.

By Mr. NEW:

Q. Do you mean you do not know, or that they were not tried?—A. No; they were not tried since.

By the CHAIRMAN:

Q. Were the people in that region of country, or not, placed in a condition of terror by these proceedings?—A. They were.

Q. Were these men who were arrested important men and heads of families, or were they generally young men, without responsibilities in life?—A. No, sir; they were old responsible gentlemen. One was the mayor of Homer; another was parish judge; another was recorder. Mr. Richardson, I think, was the mayor, and Mr. Scott was the parish judge, and Mr. Ramsey was the recorder. I think those were the names of the Claiborne Parish people.

Q. Did you witness while there any scenes of disorder or violence among the people?—A. No, sir.

Q. Against any United States or State officials?—A. I did not witness anything of the kind.

Q. Or against any colored people?—A. No, sir.

Q. You had an opportunity of knowing what the sentiment was up in that region of country; and I presume they seemed to recognize you as a northern man?—A. Yes, sir.

Q. Were there any complaints made to you by anybody in that region of country that their lives or their property or their rights were insecure?—A. Not to me; no, sir.

Q. You said at the outset that you were sent as a special agent in the Post-Office Department?—A. Yes, sir.

Q. Were you several years in New Orleans in that capacity?—A. Yes, sir; I was there from June, 1872, until the 1st of January, 1875.

Q. It was a part of your duty then to investigate the conduct and management of the post-office in the city of New Orleans?—A. Yes, sir.

Q. Did you observe or discover any irregularities in the Post-Office Department in New Orleans?—A. I did, sir.

Q. Please state to the committee what they were, if any.—A. In February, 1873, Special Agent Hayes came there to New Orleans with orders from the Postmaster-General to investigate the New Orleans post-office. He was there about a week or ten days investigating. He finally called on me to assist him. I assisted him, and we went through the books and records of the office, and found a defalcation of upward of \$68,000 to \$70,000.

Q. Who was the postmaster?—A. C. W. Lowell was the postmaster.

Q. State how it was settled and all the facts in reference to this matter.—A. C. W. Lowell was postmaster, and Monroe was the assistant postmaster, and Douglas was the cashier.

By Mr. HOSKINS :

Q. How long had this postmaster been in office?—A. He was there before I went there in 1872.

Q. Is that all you know about it?—A. Yes, sir; about his being there.

Q. Do you know when Mr. Lowell was commissioned as postmaster?—A. I do not; but I did know at the time.

By the CHAIRMAN :

Q. Did he occupy any State office at the time?—A. He was the speaker of the representatives house of the Legislature.

By Mr. BLACKBURN :

Q. Was that at the same time that he was postmaster?—A. Yes, sir.

By the CHAIRMAN :

Q. Continue your statement.—A. The lieutenant-governor, C. C. Antoine, was on the bond, and James Lewis, the administrator of public works, and Frank Morey, member of Congress, and Mr. Madden, whose name I think is John W., a stationer in New Orleans, and Mr. Hassinger, the editor and publisher of the German paper, and George Brott, postal contractor, and several others that I cannot think of now.

Q. State the particulars of the discovery of this defalcation.—A. I went over the cash-book with Mr. Hayes, and found that in the additions in the cash-books there was, for instance, a column footed up fifty-three thousand five hundred and odd dollars, which would be carried over to the next page for, say, \$50,000; I am guessing at the amounts; they would drop \$2,000 or \$3,000; it is so through the cash-books in a great many instances. Money-order funds had been remitted there to the amount of \$17,916.17. The amounts had been received by the three parties I have named, the postmaster, the assistant postmaster, and the cashier; their receipts showed that on the record-book. This was a depository-office; and the postmasters remitting the money had never had forwarded to them the money-order certificates of deposit, and the amounts had not been credited to them. I found in Mr. Lowell's private drawer these letters of transmittal amounting to this amount I state.

By the CHAIRMAN :

Q. Do you mean to say that you found the letters that people had put in the post-office in Mr. Lowell's private drawer?—A. I mean the letters transmitting these funds. The New Orleans post-office is a bank, so to speak, for these smaller offices in Louisiana, Mississippi, and Texas, and these amounts are remitted from the several postmasters in the several States I have mentioned for deposit. Instead of crediting these amounts to those postmasters, the money was abstracted, and the amounts were never credited to the postmasters, and the letters transmitting this money, instead of being filed away as they should have been, were in his private drawer.

By Mr. VANCE :

Q. That is, the letters from the postmasters sending the money?—A. Yes, sir; of deposit.

By the CHAIRMAN :

Q. You mean that the letters from those various local post-offices transmitted by the postmasters containing money to be deposited to their credit in New Orleans were taken possession of by Mr. Lowell as postmaster in New Orleans, the money taken out of the letters, and the letters themselves found in his private drawer?—A. Yes, sir; but not all by him. These letters were sent in registered packages; and we had a system there that when the cashier, or the assistant postmaster, or the postmaster received them from the register-clerk he would sign his name for them, and then they are opened; and that is the way we traced the amounts to certain ones of the three.

Q. What do you mean by his "private drawer"?—A. His desk.

Q. Did he show you these letters?—A. No, sir; I found them with Mr. Hayes.

By Mr. HOSKINS :

Q. How was this money sent?—A. It was generally in currency.

Q. They were sent in registered packages, and there was a registry-clerk in that office; did you find the entries of the signature for those several letters which were receipts to the registry-clerk?—A. Yes; on his book.

Q. So that it shows that the money entered the post-office through the register-clerk?—A. Yes, sir; and through the register-clerk we can show who gets that package; whether the assistant postmaster, or the postmaster, or the cashier, because he has to give a receipt for it on the book.

Q. The receipt that goes to the clerk is no clew to the amount of money the letters contain?—A. No, sir; not at all; but these letters of transmittal I speak of do give a clew to that, though.

By Mr. REILLY:

Q. What amount was that?—A. Seventeen thousand nine hundred and sixteen dollars and seventeen cents of money abstracted. The other amount was reduced after awhile to \$50,610.10; that was on the general postal account.

By Mr. VANCE:

Q. That made a total defalcation of how much?—A. Sixty-eight thousand five hundred and twenty-six dollars and twenty-seven cents.

By Mr. HOSKINS:

Q. How did the other deficit occur?—A. That was in stamps, stamped envelopes, and money received from box-rent, &c., that was not accounted for by Mr. Lowell, and he was deficient in that account.

Q. Upon the transmission of stamps from the Department here there is a receipt that always accompanies a package of stamps?—A. Yes, sir.

Q. And does not the Department require the immediate transmittal of that receipt back to the Department?—A. Yes, sir.

Q. Are not those receipts on file in the Post-Office Department?—A. I do not know whether they are or not; I presume they are. I did not investigate that part of it, so far as the Department is concerned.

Q. The stamps came into his possession, and his acknowledgment of receiving these stamps should be made on a receipt which always accompanies a package of stamps, and that holds him and his bondsmen responsible for the amount of stamps.—A. Yes, sir; it is charged to him, debited to him.

Q. Now, he pays for those stamps by paying contractors their drafts or by transmittal in his quarterly accounts or otherwise?—A. Yes, sir.

Q. We understand you to say that his quarterly accounts and his receipts of payments on account of the post-office in New Orleans to the Post-Office Department were not equal to the amount of stamps he received?—A. No, sir; it made a deficit of \$50,610.10.

Q. How did this deficit occur and how did you discover it?—A. I discovered it from the records of the New Orleans post-office, the cash-book, and by counting his stamps and counting his money.

By Mr. NEW:

Q. Did you call his attention to the total footing?—A. Yes, sir; after we had got through with the whole matter. We first had a balance sent from the Postmaster-General to start with.

By the CHAIRMAN:

Q. Who was the Postmaster-General at that time?—A. Mr. Creswell.

Q. State what occurred after this investigation.—A. Mr. Hayes made his report to the Postmaster-General, and the bond of course was forfeited. Mr. Lowell, Mr. Douglas, and Mr. Monroe were arrested for embezzlement, and they were each bound in the sum of \$10,000; they were indicted, but no trial has ever been had.

Q. Were the sureties sued or did they settle?—A. No, sir; they were not sued. Mr. Lowell turned over to his sureties considerable property.

Q. Was a settlement made by the Department?—A. Mr. Morey brought about a settlement with the Department; he was one of the bondsmen.

Q. State what that settlement was.—A. He brought about a compromise for \$7,000. Prior to this compromise, however, I was in Washington on some official business for a few days, and Mr. Morey suggested to me that it would be a very quick way of settling that deficit of Mr. Lowell's if the official bond that was on file in the Department was stolen; he suggested to me to steal it; his name was on it; and if that original bond was stolen he could not be prosecuted. He asked particularly that I should not let his wife know anything about it; he had promised her not to go on any bonds, or something of that kind. I let him think I was about to enter into that dirty work, but I did not; and I presume the bond is where it has always been in the Department.

Q. Was a report made in full of all these circumstances to the Post-Office Department?—A. Mr. Hayes made a report.

Q. Did you see it?—A. No, sir; he made his own reports.

Q. How do you know the report was made?—A. I saw him making a report from time to time; he made several reports.

Q. Were you in any way acquainted with the contents of his reports?—A. Yes, sir. It was simply a statement of what we had found as a deficit, and in which Department it occurred, whether in the general postal account or the money-order account.

Q. Then you know it?—A. Yes, sir; Mr. McGrew, the chief clerk of the Sixth Auditor's Department, compared notes with me when he came to New Orleans, and my amount which I gave him was within a few hundred dollars of his amount.

Q. What position does Mr. McGrew hold in the Department?—A. He is now the Sixth Auditor of the Treasury Department.

Q. What was he then?—A. Chief clerk of the Sixth Auditor's Department.

Q. Did he have anything to do with this compromise?—A. I received a letter from Mr. Morey in April, 1874, stating that Mr. McGrew was about to visit New Orleans to investigate the New Orleans defalcation, and that he and the rest of the bondsmen had offered \$7,000 in compromise, and for me to see Mr. McGrew when he came there, and to impress upon his mind that the bond was worthless; that he, Morey, was the only one on the bond that was worth anything, and that that was a mistake, for his wife had a little property, but that he had lost all he had in the last year, and to give Mr. McGrew to understand that \$7,000 was as much or more than could be obtained by suing the bond. Mr. McGrew came there to New Orleans. He staid two or three days, probably. The only official intercourse we had was to compare notes as to my statement, and what they had in Washington. He did not talk much to me.

By Mr. REILLY:

Q. How did they compare?—A. Within a few dollars.

By the CHAIRMAN:

Q. Where was this compromise made; was it made by McGrew then?—A. The compromise was made in Washington, as I understand, by the Postmaster-General, based upon McGrew's report.

Q. Was the postmaster prosecuted, or his assistants?—A. No, sir; the compromise was brought about for \$7,000, and Mr. Lowell showed me his certificate of non-indebtedness, if you can call it that, that he got by paying \$7,000, which Mr. Morey brought about by assessing the bondsmen \$2,000 each. Mr. Madden, one of the bondsmen, told me so. He assessed them to grease the wheels, so Mr. Madden said, to get a compromise through.

Q. Was this assessment made for the purpose of raising a fund to pay the \$7,000?—A. No, sir. To work a compromise through for \$7,000. It was to work the compromise through the Department; to bring it about. So Mr. Madden told me, and Mr. Lowell.

Q. You say the sureties and the bondsmen were assessed \$2,000 each?—A. In the neighborhood of \$2,000. That is what Mr. Madden said.

Q. In order to raise a fund by means of which they could procure the parties who represented the Government to accept a compromise of \$7,000 from the sureties?—A. That is the idea. The money was paid to Mr. Morey, so Mr. Madden told me, and Mr. Lowell also. To use Mr. Madden's expression, it was to grease the wheels in the Department—to get it through. Whether that included Mr. McGrew, or who, I could not tell you.

By Mr. VANCE:

Q. Do I understand from that that in addition to the \$2,000 each that \$7,000 was paid?—A. Seven thousand dollars was paid to the Department as a compromise of the \$60,000. In addition to that there was in the neighborhood of \$2,000 each assessed to each bondsman. Mr. Madden said to me he was assessed the most—I suppose because he had the most money, though I do not know—and he said this money was paid to Mr. Morey to grease the wheels at the Department, to get the compromise through; and he told me further, that he had called on Mr. Morey to show where he spent that money, and he could not show him; that he was very dissatisfied—Madden was dissatisfied.

By the CHAIRMAN:

Q. How many bondsmen were there?—A. George F. Brott, James Lewis, C. C. Antoine, Mr. Hassinger, Frank Morey, I think Major New, but I won't be certain, J. W. Madden, and some others that I cannot remember.

By Mr. HOSKINS:

Q. It was somewhere in the neighborhood of ten bondsmen, probably?—A. Yes, sir. Mr. Madden told me he was assessed in the neighborhood of \$2,000.

Q. Did you have any conversation with any of the other bondsmen?—A. No, sir. Mr. Lowell said he was very much hurt, that Morey came down on him for an assessment then.

Q. How much did Madden say he paid?—A. In the neighborhood of \$2,000.

Q. And he said that he paid that money to Morey?—A. Yes, sir; I am pretty sure he said so.

Q. When was this?—A. He said that he paid the money, and it went to Morey.

Q. He did not say he paid the money to Morey?—A. He said he paid the money to get this compromise through, and Morey got the money.

Q. He did not tell you that he paid the money himself to Morey?—A. I have forgotten now. I think he did. My impression is that he paid the money to Morey—about \$2,000.

Q. What position was Morey holding at this time?—A. A member of Congress. He has been here for three terms, I believe.

By Mr. VANCE:

Q. Were these bondsmen able to pay the full amount of \$68,000?—A. Amply able, I think.

Q. That is, if proper proceedings had been had?—A. Yes, sir; the bond, together with the property Mr. Lowell turned over, was sufficient to pay the deficit without any loss to the Government.

By the CHAIRMAN:

Q. Will you state what was the aggregate value of the property turned over by Mr. Lowell to his bondsmen?—A. I have heard it was in the neighborhood of \$20,000 or more. I could not say positively.

Q. Do you know whether any of this property went back again into the possession of Mr. Lowell?—A. I think it was turned back to him.

Q. In other words, was it a *bona fide* transfer of this property to the trustees, or was it a fraudulent one?—A. I think it was a *bona fide* one.

Q. It was not then reconveyed back to him?—A. Yes, sir; it was reconveyed back to him by his bondsmen, the way I understood Mr. Lowell to say.

Q. After the compromise?—A. After the compromise, certainly.

Q. Was it reconveyed to him for a consideration?—A. I do not know.

Q. Were there any other irregularities in the Post-Office Department, any more defaulters or people doing wrong?—A. Yes, sir.

Q. Who were they; where were they? Give us the facts and the circumstances.—A. In 1874, I think it was, the postmaster at Monroe was inspected by Special Agent Jolly, and his office was found to have a deficit of \$198. I think that was the amount. If I had my memorandums with me I could give you more accurately what I am giving you now from memory.

Q. What was the name of the postmaster?—A. Mrs. Dingrave was the postmaster there. I have forgotten her initials—N. M., I think. Her son, John H. or John W., was the assistant postmaster. He was virtually the postmaster. Mr. Jolly was ordered there to inspect that office, and he found a deficit of \$198, and he asked Mr. Dingrave to pay that amount. Dingrave said that he had sent it for deposit to the New Orleans post-office, and that he was expecting a certificate for that amount from the New Orleans post-office; or that he had it and had mislaid it, and that he would hunt it up and forward it to Mr. Jolly when he got down to New Orleans. Mr. Jolly left, I believe, that day. The next day Dingrave, the postmaster, sent to Jolly a certificate, the number of which had been issued to the Thibodeaux post-office. He had taken an old certificate of 1873, for \$195, and changed it to \$198, and had changed the date to correspond with the present date, and the number also. He guessed at the numbers that had been issued, and he forwarded it to Jolly as a certificate he had received for this \$198. I state this from information received from Mr. Jolly and the postmaster which I got in my official capacity. Mr. Jolly was a special agent of the post-office, stationed in New Orleans, and our conversation occurred in New Orleans.

Q. This settlement was to be made in New Orleans?—A. Yes, sir; this certificate was forwarded, and upon examination we found it was this old certificate, issued in 1873, for \$195.40.

Q. Did you yourself examine the certificate?—A. Yes, sir, I did. It had been altered. Mr. Ludeling was notified that Jolly was going up to arrest Dingrave for forgery and embezzlement.

Q. Why was Mr. Ludeling notified?—A. I received a telegram from Mr. Morey to go and see him about it and to notify Mr. Ludeling that his nephew had committed this forgery and embezzlement.

Q. Where was Morey's telegram set from?—A. From Washington.

Q. Who is Mr. Ludeling?—A. Mr. Ludeling is the chief justice of the supreme court there. Mr. Ludeling asked me how much this young man would want to fix this matter. I told him a personal interview between him and Mr. Jolly would probably arrange matters, and he went over with me to Mr. Jolly's office and had a long interview with him. It ended that Mr. Ludeling was to telegraph to his nephew to send down the amount of that fraudulent certificate—not to credit himself with the certificate, but to send the amount by mail, and to take the credit on his next weekly statement. Mr. Dingrave telegraphed Jolly he had forwarded the money the same day, or the next morning; and Mr. Jolly made a report to the Department which was a sort of a whitewashing report, and I have a copy of it with me in town and can produce it. There was nothing more said about it. I was in Washington on the 7th of July, 1875, and I was in the Money-Order Department and saw Dr. McDougal, who is the superintendent of the Money-Order Department, and Mr. Haines, his assistant, and one of his clerks, and I laid the whole matter before all three of them. We went up in the record-room and found that the weekly statement had been sent there. Dingrave had taken credit for this forged certificate, and afterward he had made another statement crediting himself with \$198 that he forwarded. I told them the whole thing, how this man had forged this certificate, &c., and that there was no action taken.

By Mr. NEW :

Q. Was there any change made in the post-office at that point?—A. No, sir; I don't think there has been up to this day; there may have been.

By Mr. REILLY :

Q. Was it the postmaster at Monroe that forged the certificate?—A. Yes, sir.

By the CHAIRMAN :

Q. The settlement was made at the post-office at New Orleans, however?—A. Yes, sir. Mr. Jolly, the special agent stationed at New Orleans, investigated this matter.

Q. Were there any other instances of irregularities in the Post-Office Department, or postmasters short in their accounts?—A. Yes, sir; at New Iberia there was a postmaster who had a deficit in the neighborhood of \$2,000. I have forgotten the amount now, it is so long ago.

Q. What year was that in?—A. That was in 1873, I think.

Q. What was his name?—A. I have forgotten that.

Q. You do not recollect the facts and circumstances?—A. I remember recommending to the Department his removal; and I remember also recommending the removal of the postmaster at Plaquemines, where there was a deficit of from ten to eighteen hundred dollars. I cannot give you the exact amounts.

By Mr. REILLY :

Q. Did you and Mr. Jolly have a particular territory set apart?—A. He was supposed to take the southern part of Louisiana, and I took the north.

By the CHAIRMAN :

Q. Where were your headquarters?—A. At New Orleans sometimes, and sometimes I was stationed at Monroe.

Q. At the time you speak of where were you stationed?—A. I was stationed then at New Orleans.

By Mr. HOSKINS :

Q. At the time you received these warrants that were signed by this man Jewett, you say that he was not a commissioner; previous to that time had he held a commission as United States commissioner?—A. He had.

Q. Do you know when his commission was dated?—A. I do not know now.

Q. Do you know when the first commission expired?—A. I think it was December, 1873.

Q. Did it expire by the expiration of the term, or was it revoked?—A. Revoked.

Q. By whom?—A. Judge Woods, or the judge of the court, whoever it was. I do not know whether it was Judge Woods or Judge Durell.

Q. From what did you make this memorandum?—A. From a statement of the clerk of the court, giving me the different dates when he was commissioned, &c.

Q. How long a time elapsed between the time his first commission lapsed and the time you handed him his second commission?—A. I think a year, probably. I could not tell you exactly.

Q. How many warrants, probably, were issued and given to you from this man during that time?—A. Probably two dozen. One of them contained some sixty or a hundred names.

Q. What year was this in?—A. Eighteen hundred and seventy-four.

Q. Eighteen hundred and seventy-four was the date of the issue of the warrants?—A. Yes, October 12 and 13, I think.

Q. Were they all issued in the month of October?—A. Pretty much all of them; yes, sir.

Q. Were any of them issued in November?—A. No, sir.

Q. What time is election held there?—A. The 4th of November, I think, this last election.

Q. You say the mayor of a certain town was arrested?—A. Yes, sir.

Q. And you say these arrests were made for political purposes?—A. That is what I understood.

Q. That is your opinion?—A. That is what I understood.

Q. How did you understand it?—A. There was a warrant handed me with at least twenty or thirty names, and among those names were these four prominent men that I speak of. The warrant was taken out of my hands by Mr. Morey, and all the names erased but these four, and another warrant was made out for these four, and Jewett handed me it for execution.

Q. The original warrant was surrendered?—A. Yes, sir; by me to Mr. Jewett after Mr. Morey had erased the names, and another one was issued.

Q. How do you know that those four men were arrested for political offenses?—A. I should judge so from the conversation.

Q. From the conversation with whom?—A. Raines and Morey and Green, and all hands.

Q. What did Morey say?—A. I do not remember now.

Q. I would like to know how you knew it was for political purposes?—A. Simply from what Morey said. He said if these men were out of the way they would not do him any hurt on election-day. He told me so.

Q. Who was present at that conversation?—A. I think Mr. Jewett.

Q. Anybody else?—Not that I remember now.

Q. Where was the conversation?—A. Either at Greensborough or Homer; I don't know which now.

Q. Where does Jewett live?—A. That I cannot tell you.

Q. Did he not have an abiding-place at the time he was commissioner?—A. Sometimes he was at Greenborough and sometimes in Jackson Parish, and sometimes in New Orleans.

Q. Was there ever a private conversation between Jewett and Morey and yourself?—A. Yes, sir; a great many.

Q. What conversation occurred between you three men?—A. I could not tell you, for there was so much of it. I cannot remember now.

Q. You said this thing was fixed, and that it was an understanding that these men should be arrested for political purposes. What kind of an understanding was that, and who was the understanding had with?—A. It was understood with Morey and the commissioner and myself.

Q. You all three talked it over?—A. Yes, sir.

Q. Did the commissioner say the warrants were put in your hands for political purposes, or because those men were democrats?—A. Not in those words, but that was understood.

Q. Did he say anything that would convey that meaning?—A. I think he did. I am pretty sure he did. I cannot remember now exactly what conversation passed; but that was my understanding.

Q. You state positively that these warrants were for political purposes; you ought to be able to state something of the character of the conversation, if you have got that impression.—A. That is the impression I had.

Q. But you do not mean to say that it was conveyed to you by Mr. Jewett or Mr. Morey in express words?—A. I do mean to say that it was conveyed to me by Mr. Morey.

Q. Was it conveyed to you by Mr. Jewett?—A. He understood what Mr. Morey wanted, and we were acting according to his orders.

Q. Did Mr. Jewett say to you that these warrants were made for political purposes?—A. Yes, sir.

Q. Did he say so in your hearing?—A. I would not be surprised if he did.

Q. Did Morey say it?—A. Yes, sir. He said if these men were out of the way they would do him no hurt. Mr. Jewett told me he made the same remark to him, that if they were kept away from the polls on election-day they would do no hurt.

Q. What are the names of those prominent men that were arrested?—A. There were the two Mr. Ramseys, and Mr. Richardson, and Mr. Scott. If they were put in that jail at Vienna, he said, and kept there until after election, they could then do him no hurt.

Q. Were those the four parties that were covered by this warrant?—A. Yes, sir; I think there was only one Mr. Richardson and two Mr. Ramseys. Then one Mr. Ramsey is the recorder, and the other Mr. Ramsey is the clerk.

Q. Who made the complaint against these parties?—A. There was an affidavit, I believe, of Scott Raines.

Q. Did you see the complaint or hear it read?—A. I saw it; yes, sir.

Q. Did he make a complaint against all these parties?—A. No, sir. I think Mr. Fountain made some affidavit.

By Mr. VANCE :

Q. Who was Scott Raines?—A. He is a colored man over in Claiborne Parish.

By Mr. HOSKINS :

Q. What did the complaint set up?—A. It was under the enforcement act. I have forgotten now what it was—intimidation, &c.

Q. It was for a violation of the enforcement act?—A. Yes, sir.

By Mr. NEW :

Q. Were these men kept in jail until after the election?—A. Mr. Morey requested these men should be put in jail in Vienna, and then for the cavalry and myself to return to Claiborne Parish and arrest Isaac Newton Glover, and for us to take that man into the woods and kill him. We were to be gone some days, and then return and take the prisoners from the Vienna jail. We were first to surround the jail with the infantry that was there.

Q. Who requested this?—A. Mr. Morey. He said we were to take those prisoners from the Vienna jail and take them to Monroe, and not to arrive at Monroe until the eve of the election, and then it would be too late for them to do him any hurt in that district, or in Claiborne Parish. Those were the exact orders he gave me.

By Mr. VANCE:

Q. Were you present at the examination of these men?—A. Yes, sir.

Q. Did the colored man Raines appear against them?—A. He was on the stand, yes, sir, as a witness.

Q. Was the prosecution continued against them; were they convicted?—A. No, sir; there was never any prosecution after they were discharged.

By Mr. NEW:

Q. How long was it from the time of their arrest until they were discharged?—A. They were arrested on the 24th, and on the 25th we arrived at Vienna. Morey's order was about to be carried out when this *habeas corpus* was served on me. That changed the whole programme.

Q. When did the election take place?—A. On the 4th of November. On the evening of the 25th of October we started for Monroe with the prisoners, and we arrived there at daylight, I think, on the 26th. These prisoners were kept in jail for a day or two, making it the 27th or 28th. If I had my memorandum-book I could give you the exact dates. They were then examined. Morey's object was to keep those prisoners in Vienna jail for several days while I was in Claiborne Parish making other arrests, and particularly the arrest of this man Glover whom he told me to kill; to take him in the woods and kill him. Then by that means I would get to Monroe just on the eve of the election, and if that was on the 4th, about the 2d of November.

By Mr. CONGER:

Q. You assented to that arrangement that Morey requested you to carry out?—A. No, sir; but I let him think so.

Q. You said you were carrying out this arrangement when the *habeas corpus* was served on you?—A. He went to Monroe thinking so; they were discharged on the 28th, I think, the evening that Mr. Jewett got his commission from Mr. Packard through me.

By Mr. NEW:

Q. Was he the commissioner that discharged them?—A. He was the commissioner that examined them and discharged them.

By Mr. VANCE:

Q. Were these men handcuffed at any time while they were under arrest?—A. Yes, sir; the lieutenant handcuffed Hughey and Mr. Richardson; I am quite sure Richardson was the mayor.

By Mr. HOSKINS:

Q. Who made these arrests?—A. I did.

Q. On the warrant issued by this Mr. Jewett?—A. Yes, sir.

Q. When he was not a commissioner?—A. I did not learn that till afterward.

Q. When did you get your certificate from the clerk, giving the dates and showing the revocation of his first commission?—A. In May last, 1875.

Q. At this time of which you speak you and Mr. Morey were friendly?—A. Yes, sir.

Q. You were acting in concert with him?—A. I was carrying out his orders; yes, sir.

Q. What were your politics?—A. Republican.

Q. And you were carrying out the wishes of Mr. Morey?—A. Yes, sir.

Q. You were a willing instrument in his hands?—A. It seems I have been a tool of his.

Q. You were under no compulsion, then?—A. No, sir.

Q. You carried out his orders voluntarily?—A. No, sir. I have no doubt if I had not carried them out I would have lost my commission at once.

By Mr. CONGER:

Q. You were doing these irregularities, then, to save your commission?—A. No, sir; not exactly.

By Mr. HOSKINS:

Q. What did you do it for?—A. I suppose I was a party, the same as the rest of them.

Q. You were equally guilty with Morey?—No, sir; I do not consider myself so.

Q. Do you consider yourself guilty at all?—A. In some things, probably.

Q. In these transactions you have been describing?—A. I did not think so at that time.

Q. Since that you have changed your mind?—A. I have, undoubtedly.

Q. You and Mr. Morey have had a difficulty growing out of the non-fulfillment of his agreement with you?—A. I do not know that it is any difficulty.

Q. You have come to a misunderstanding arising out of that?—A. I don't know that there is any misunderstanding.

Q. You are not carrying out his orders now the same as in 1874?—A. No, sir.

Q. Did that arise out of the non-fulfillment of the contract?—A. Not particularly.

Q. That had no effect on you?—A. I presume it had some.

By the CHAIRMAN:

Q. Did not you in your relations with your party in Louisiana partake of the prejudices and hatred that you found existing there among the few white republicans in the State, against the white people of the State of Louisiana, and did not this motive induce you to join your republican friends at that time in these wrongs and irregularities which you have since discovered to have been unjust and illegal—did you have party spirit that made you lend yourself to the feeling that the success of the republican party in the State would pardon a great deal in your own mind as to what you might do that was perhaps a wrong against the white people there?—A. I certainly had a sympathy with the party.

Q. In other words, was it not a strong party spirit that induced you to make these arrests, to handcuff these innocent citizens, to put them in jail, and to be a party to these proceedings which you have related; or was it personal malice?—A. It was not personal malice.

Q. What could it have been then?—A. The party asked it, and they laid the programme out, and it was carried out.

Q. Then it was party feeling?—A. Yes, sir.

Q. Had Mr. Morey any authority to give orders in reference to these matters?—A. He seemed to have authority. He issued orders to the commanders of the different companies there; that is, the infantry command, and the cavalry command, and they appeared to obey his orders as though he was general over them.

Q. Who commanded the cavalry?—A. Lieutenant Hodgson.

Q. Who commanded the infantry?—A. Major George Head.

Q. Had you any reason to believe that these officers had been directed by their superior officers to obey orders or comply with the requisitions of Mr. Morey?—A. I think that Lieutenant Hodgson got his orders from Colonel Merrill to comply with Morey's orders from the way he talked with me—that is, to carry out his wishes. Major Head, when I made a requisition upon him for troops, told me if Morey would give him a majority of any one of the regiments they were making then, he would move his troops to any part of the district, and he did move his troops without any warrant being shown to him, and simply upon my requisition. The time they moved the troops Morey had his appointments made in different parts of the State to make speeches, and he intimated to me he was afraid to travel through that part of the country unless the troops went in advance. I have copies of telegrams and letters showing how the troops moved at that time—copies of the originals, that Mr. Morey bought of me. The mass of these telegrams and requisitions were in Morey's own handwriting.

By Mr. HOSKINS:

Q. You sold them to him for a consideration?—A. Two hundred dollars in cash and five notes.

By Mr. NEW:

Q. What are the notes for?—A. For \$100 each. Two have been paid, and the others are overdue, one two months and one one month, and one has not yet matured. Colonel Hatch witnessed the transaction, and saw me hand the papers to Morey.

By Mr. CONGER:

Q. At the time this party feeling that the chairman has asked you about was raging and became the occasion of all these wrongs, was there any feeling on the other side; was it safe to go through that country?—A. I never had any trouble traveling in any part of the State.

Q. Was it safe for Mr. Morey to go and hold his appointments?—A. I think so.

Q. He told you he was afraid?—A. Yes, sir. He told me so.

Q. What were these men in that town charged with; what party did they belong to?—A. They were charged under the enforcement act with intimidation, or something like that.

Q. What party did they belong to?—A. Democrats. They were the most prominent democrats in Northern Louisiana.

Q. Did they belong to the White Liners?—A. I don't know.

Q. Or the White League?—A. I don't know.

Q. Were they charged with offenses against the law?—A. They were charged under the enforcement-law.

Q. Did you understand that they were charged with violation of a law of the United States?—A. Yes, sir.

Q. And as an officer of the United States, with what you then conceived to be a proper warrant, executed by a proper officer, you arrested them?—A. I did.

Q. You thought you had full power to execute these warrants, and that they were valid and proper warrants?—A. Yes, sir.

Q. And that the crime charged was a crime against the laws of the United States?—A. Yes, sir.

Q. You say Mr. Morey wanted you to take a man into the woods and kill him?—A. That is a matter I didn't consent to.

Q. What was that man's name?—A. Isaac Newton Glover, Claiborne Parish.

Q. Who was present when Mr. Morey asked you to kill this man?—A. I think Jewett was. I think it was the general talk between Jewett and Lieutenant Hodgson and myself.

Q. In Morey's presence?—A. No, sir; not in Morey's presence—after he left.

Q. When Morey asked you to take this man into the woods and kill him, Jewett was present?—A. I think that he was.

Q. You assented to it?—A. I let him think so.

Q. Did you assent to it?—A. I didn't in mind.

Q. What did you say to him; did you say you would kill him?—A. No, sir; I didn't.

Q. Did you say you would not kill him?—A. No, sir; I didn't. As I tell you, unless I gave Mr. Morey to think I was carrying out his full wishes I would have lost my commission at once.

Q. Did you give him, either by silence or assent, to understand that you would carry out the request to kill this man?—A. No, sir.

Q. You didn't give him any intimation that you would not carry it out?—A. No, sir; I didn't.

Q. How did he understand you?—A. I have not the remotest idea.

Q. You have no idea whether he thought you were going to kill the man or not kill him?—A. I have no idea. He told me to do it, and cleared out.

Q. Did Mr. Jewett recommend the killing of this man?—A. I don't think he did; I don't remember.

Q. Did he object to Morey's order?—A. He didn't object, nor he didn't assent that I know of; he was willing to go anywhere I was.

Q. Was he willing to kill this man?—A. I don't know what his mind was at all.

Q. Did he say anything to indicate his willingness or unwillingness to kill this man?—A. I don't believe he did; I don't remember.

Q. Did he hear what Morey said?—A. He undoubtedly did. Hodgson and Jewett and myself were talking the matter over for that whole day pretty near.

Q. Was Morey present?—A. He went away to Monroe that morning.

Q. Did Mr. Jewett assent or dissent from that order to kill this man?—A. I don't remember.

Q. You don't remember his saying anything about it?—A. I remember Jewett and Lieutenant Hodgson and myself talking it over that day.

Q. Do you remember Jewett saying anything on the subject when you got the order?—A. I don't believe he said anything.

Q. Give the language Morey used to you.—A. He told me to place the three prisoners from Claiborne in the Vienna jail, place the infantry around the jail, and go back to Claiborne Parish and make more arrests, and arrest this Isaac Newton Glover; take him in the woods somewhere and kill him. That is the substance of what he said.

Q. Did he give you a warrant for Isaac Newton Glover?—A. No, sir; he didn't.

Q. How could you arrest him?—A. He was not arrested.

Q. You didn't expect to arrest him when you went?—A. Mr. Jewett gave me the warrant for him.

Q. Did you take that warrant?—A. I had the warrant.

Q. Did you go to arrest Glover?—A. No, sir; as I told you, the sheriff from Claiborne Parish served me with a writ of habeas corpus and I went to Monroe with the prisoners. I didn't come back to Claiborne Parish.

By the CHAIRMAN:

Q. Was this a writ on you to produce the bodies of these prisoners?—A. It was to produce the body of these prisoners before Judge Trimble; yes, sir.

Q. Where was his court?—A. At Homer; afterwards he sat in Vienna.

Q. But at this time where was he?—He was then at Homer.

Q. Did you produce the bodies?—A. I did not. I had plenty of time to go to Monroe and consult the district attorney, Mr. John Ray.

Q. What advice did he give you?—A. Mr. Morey and Mr. Ray both advised me not to obey the writ. The writ was addressed to the sheriff, and not to me. It was to Sheriff Haycock to bring the prisoner. On that technicality they argued I had no right to obey the writ.

By Mr. CONGER:

Q. You went to Vienna instead of Homer?—A. We were at Vienna at that time.

Q. You didn't go in pursuance of this writ?—A. We went to Monroe.

Q. You didn't go to Homer at all with these prisoners where the writ directed you to go?—A. No, sir.

Q. How did this interfere with your killing this man that you wanted to kill?—A. I didn't want to kill him; Mr. Morey wanted to kill him. I went to Monroe with the prisoners, and, of course, going to Monroe I couldn't go elsewhere.

Q. I understood you to say that in consequence of the issue of this habeas corpus writ you changed your plans about the prisoners and about going after this man you were going to kill?—A. It was not a man I was going to kill.

Q. But you say you didn't intimate to Morey whether you were going to kill him or not, but left him to believe that you were going to execute his orders?—A. Yes, sir.

By Mr. HOSKINS:

Q. The only party that was present and heard this conversation in regard to Morey requesting you to kill this man was this man Jewett?—A. Yes, sir; I think Jewett was alone at the time. Afterwards Morey left, and Jewett and myself had a conversation.

Q. Where was this conversation?—A. I think it was at Homer. It was either at Homer or Vienna, the following morning at daylight.

Q. At what place was it at Homer?—A. At the house of a prominent republican there, where they were all staying, or over a store of his. It was at Homer or Vienna, I can't think now which.

Q. What time of day was this request made?—A. If it was at Homer it was the afternoon or evening. And if at Vienna, it was the next morning.

Q. Cannot you tell which it was?—A. My mind is not very fresh on that just now.

Q. Do you know the day of the month?—A. If it was Homer it was the 24th of that month; if it was Vienna or Greensborough, it was on the 25th. We went in company from Greensborough to Vienna, a distance of six miles.

Q. Was that the only conversation you had with Morey about the killing of this man?—A. Yes, sir; except that when we got back to Monroe he asked about Glover, and was disappointed we had not gone back to Claiborne Parish. He expressed himself disappointed. He wanted those men kept out of the way until after the election.

Q. Did you leave Morey impressed with the idea that you would carry out his order?—A. If he did have that impression he didn't get it from me—that is, in reference to killing Mr. Glover.

Q. You don't think he received that impression?—A. I don't think he did. I have no idea what his impressions were. I didn't intend to kill him. I don't know what Morey thought.

Q. You think he was deceived as to what you intended to do?—A. He might have thought I was going to carry out his orders.

By Mr. CONGER:

Q. When you met him afterwards he expressed disappointment; was that because you had not killed Mr. Glover?—A. He was disappointed that those prominent gentlemen from North Louisiana were not kept in jail until after the election.

By Mr. VANCE:

Q. I understood you to say that you were under an impression that you had received from different parties that these arrests were made for political purposes; were you led to believe that such proceedings were deemed necessary by the republican leaders for the success of their party in Louisiana?—A. Undoubtedly; I presume it was a kind of intimidation. I considered it so.

WASHINGTON, D. C., May 16, 1876.

EDGAR SELYE, examination resumed.

By the CHAIRMAN:

Question. You can introduce the memoranda or documents you may have to substantiate your testimony of yesterday.—Answer. Here is an agreement of Mr. Morey's, in his own handwriting, dated October 21, 1875, in consideration of the package of papers that were deposited in New York.

By Mr. NEW:

Q. What package of papers?—A. The package deposited with Mr. George W. Wiley, who was present. These appertain to the papers that Mr. Morey purchased of me. They were first deposited with Mr. Wiley, and subsequently he got them by paying those notes and the \$200 in cash. This is the agreement:

"The package accompanying this agreement, and inclosed with it and sealed, is to

be delivered to the Hon. Frank Morey or to his order, on, or at any time thereafter that he may call for it, November 1, 1876; provided that up to that time Major Edgar Selye has been since November 1, 1875, provided with a position having a salary of not less than \$120 a month, said position to be in the custom-house of New York City, or as agent in the Secret Service Department of the Government, or some similar position, or that he shall receive the pay of such a position during that time, the fact to be determined by such acknowledgment of Major Edgar Selye as is satisfactory, or in the event of doubt by such evidence as may be produced by said Frank Morey, ample opportunity, for not exceeding three months after November 1, 1876, to produce such evidence being allowed said Morey for this purpose.

"This done and signed by me this 21st October, 1875.

"(Signed,) EDGAR SELYE,
"(Accepted,) FRANK MOREY."

The notes are as follows:

\$100.

NEW YORK, *January 4th*, 1876.

Three months after date I promise to pay to S. A. Hatch one hundred dollars. Not transferable, and subject to the agreement signed this day by S. A. Hatch, referring to this note.

Value received.

FRANK MOREY.

\$100.

NEW YORK, *January 4th*, 1876.

Four months after date, I promise to pay to S. A. Hatch one hundred dollars. Not transferable, and subject to the agreement signed this day by S. A. Hatch, referring to this note.

Value received.

FRANK MOREY.

\$100.

NEW YORK, *January 4th*, 1876.

Five months after date, I promise to pay to S. A. Hatch one hundred dollars. Not transferable, and subject to the agreement signed this day by S. A. Hatch, referring to this note.

Value received.

FRANK MOREY.

The notes are indorsed by S. A. Hatch.

By Mr. NEW:

Q. How does it happen that the notes were executed to Mr. Hatch?—A. The notes were made payable to Mr. Hatch's order.

Q. Why?—A. I presume Mr. Morey was afraid to trust me, and the papers were handed to Mr. Hatch.

Q. What papers were handed to Mr. Hatch?—A. The blank United States warrants, and the documentary evidence, of which I have copies, implicating him.

Q. In what form were they handed to Mr. Hatch?—A. In bulk, open, as these papers are, and then given to Mr. Morey.

Q. Where did this take place?—A. This was in New York City, at the Fifth Avenue Hotel, on the 4th of January last.

Q. How did you happen to meet him?—A. Mr. Morey wrote me he would be over on the 3d.

Q. Where did he write to you from?—A. From Washington. He came in order, I presume, to get these papers.

Q. State what occurred there, how you came to get them, what was said, and what was done.—A. I met with Mr. Morey accidentally—

By Mr. HOSKINS:

Q. Who was Mr. Hatch?—A. He was formerly in New Orleans, and is in New York now. I met Mr. Morey on the 3d of January at the Fifth Avenue Hotel. He called me aside, and we sat down on the sofa in the hall, and we were there some two or three hours. He said he had learned that I had evidence against him, and that he wanted to procure it; it would be damaging to him in his contest, and he would like to wipe the slate out, and that he would provide me with a position, or an amount equivalent to what a position would pay during the month, and for me to sit down and draw up an agreement and he would look at it and see how he liked it, and he would sit down and draw one up, and I would look at it. We compared notes, and we found that we had hit on the same thing, although we did not know what each was writing. It was agreed we would go down and see Mr. George Wiley, in New street, near Exchange Place. The subject was discussed with Mr. Wiley. I consulted with Colonel Hatch at this time, and he advised me to take these notes. I correct my former statement as to the time Mr. Morey came. It was in October, 1875, that he met me at the hotel.

Q. Were not those notes executed at the same time?—A. No, sir; they were executed in January. My testimony now refers to this agreement. After that I met Mr. Morey again on the 3d of January, 1876. That was through a letter of his asking me to come there.

The letter is as follows:

“HOUSE OF REPRESENTATIVES,
“Washington, D. C., December 30, 1875.

“DEAR SIR: I cannot leave here before Saturday afternoon, when I go to Philadelphia, where I shall be till Monday morning, when I go on early train to New York. If you wish, I will name an hour on Monday when I can see you at some convenient place further down town, where I will necessarily be most of the day.

“Yours truly,

“FRANK MOREY.

“If you write any time to-morrow, I will get your letter in time.

“Major EDGAR SELYE,
“New York.”

He called me aside and we sat on one of the sofas, and we had a long conversation about wiping out the slate, and he wanted to get those papers.

By the CHAIRMAN:

Q. Do these letters relate to the matters that you declined to testify to yesterday, fraudulent pay-rolls or the cutting of telegraph-wires?—A. They relate to the cutting of telegraph-wires, to the use of the United States troops in North Louisiana, and the illegal arrest of prominent democrats during the 1874 campaign. There are letters written from Morey to me, of which I have copies. We were together, Colonel Hatch, Mr. Morey, and myself, on two days, on January the 3d and 4th, both days the whole day. He was negotiating to get these papers from me. Finally he agreed to give Colonel Hatch \$150 which he had loaned me. He gave me \$50, and he gave me five notes of \$100 each for those papers. After Morey went away Colonel Hatch gave me the \$150.

Q. How did he come to give Mr. Hatch the \$150?—A. Because Mr. Hatch had loaned me money, and he told Morey that he had loaned me money, and he wanted me to repay it.

Q. Why did Hatch give you the \$150 afterward?—A. Because I was in embarrassed circumstances at that time, and he handed it to me, and he thought I was entitled to that for giving him those papers, I presume. I do not know of any other reason.

By Mr. HOSKINS:

Q. How could Hatch feel that you ought to have the \$150 because you had given the papers to Morey?—A. It was because I was not in employment then, and he thought I wanted the money.

Q. Then he wanted to do a kindness to you?—A. Yes, sir.

Q. Did Hatch have any interest in those papers?—A. No, sir.

Q. Then it was a gratuity, this \$150?—A. Yes, sir.

By the CHAIRMAN:

Q. Were you on terms of special friendship with Mr. Hatch?—A. I have known him for thirteen or fourteen years, and he looks upon me as a son and rather different from a mere friend. It was finally arranged that those papers should be delivered over to Morey for the \$200 and the five notes. Two of those notes were paid by Mr. Morey, and two of them are overdue, and one has not yet matured.

By Mr. CONGER:

Q. In your agreement that Mr. Morey had with you, that you should deliver up the papers, was it added that you should take copies?—A. There was nothing said about copies.

Q. You said nothing to Mr. Morey about having taken copies of the papers?—A. No, sir, I did not.

Q. You knew his object in desiring these papers was to suppress them?—A. Undoubtedly.

Q. And you pretended to comply with it by receiving his money?—A. That was for the originals.

Q. You knew his only object was to suppress these matters as evidence, did not you?—A. I knew he did not want the evidence against him.

Q. And you pretended to give up all these for this consideration?—A. I did, sir; the originals.

Q. And yet you did make without his knowledge copies of these papers to keep for yourself?—A. It seems so.

Q. Did you?—A. Yes, of course.

By Mr. HOSKINS :

Q. Was there anything said between you and Morey in relation to the surrendering of all right, title, and interest to these papers?—A. I do not believe he anticipated there were any copies.

Q. Do you know whether there was or was not?—A. I do not remember.

Q. Was there anything said betwixt you and Morey by which you were to give up absolutely all your right, title, and interest to the information in those papers?—A. I believe that was the understanding.

Q. Yet you simply gave him the originals, and retained copies?—A. I kept copies ; yes, sir.

By Mr. NEW :

Q. What is the date of that agreement?—A. October 31, 1875.

By Mr. HOSKINS :

Q. Why did you take a copy of these papers that you transferred to Mr. Morey?—A. The copies were taken after he violated this contract.

Q. Why did you take them?—A. Because he had violated his contract.

Q. Did you take them for the express purpose of using them if you had occasion to?—A. No, sir.

Q. What did you take them for?—A. I do not know why I did take them.

Q. You were prompted by some spirit that you cannot now exactly tell?—A. Mr. Morey had violated this contract ; he had lied to me, and I thought I would deal with him the same as he dealt with me.

Q. Your answer is that because Morey had lied to you on the contract, you lied to him about the copies?—A. I copied them after he had violated this contract, and not before. He had all the papers when this agreement was drawn up ; I copied them afterward.

Q. Did you copy them for the purpose of using them?—A. I do not know, sir, what I intended to do with them at the time. At the time it did not occur to me what I should do with them. He had deceived me, and lied to me, and I took copies of them.

By Mr. CONGER :

Q. State why it was that the money was paid and the notes which you have spoken of were executed to you.—A. It was on account of my delivery to Mr. Morey of the papers I referred to, the blank United States warrants, &c.

Q. The reason was, that the time had elapsed that was named in the contract without his having done what he agreed to do in that contract.—A. Yes, sir. In addition to those notes, and the \$200, he promised to get me a position in the secret service under the chief here, Mr. Washburn. This was after he had made this agreement of October 31.

Q. By this contract I find that the fact was to be determined whether you were sufficiently provided for by a position, three months after November 1, 1876?—A. Yes, that would bring it to the first of February. If you will notice the date of that, it is October 31, 1875. December 28, or 29, two months after that, he had done nothing, and I had so written him, and I told him that I would withdraw the papers. That drew this letter of Mr. Morey's out, stating he would come and see me.

Q. The contract says he was to have three months' time before anything was done with this package, after November 1, 1876?—A. Yes, sir.

Q. That would be three months after next November?—A. Yes, sir ; that was, provided he kept his agreement up to that time ; but he failed the first two months.

By Mr. NEW :

Q. Was that date intended to be 1875 or 1876?—A. It is intended to be one year and three months after the date, October, 1875.

By Mr. BLACKBURN :

Q. I understand, then, that the three months was not allowed him within which to get employment for you, but that three months was allowed him at the expiration of one year to prove to Mr. Wiley's satisfaction that you had been employed by his instrumentality?—A. Yes, sir.

By Mr. CONGER :

Q. But these papers were to be left with Mr. Wiley in any event for the year and three months?—A. No, sir ; not in any event—only provided he kept his contract.

The witness then read the following correspondence :

WASHINGTON, D. C., *October 22, 1875.*

DEAR MAJOR: This morning I had an interview with Hon. Bluford Wilson, Solicitor of the Treasury ; Colonel Casey went with me. Washburn is away, but Wilson took your name and address, and promised that the appointment would be made when

Washburn returned, and perhaps sooner. He said further, that you must take the position with the *distinct understanding* that you must be a man of good habits and *perfectly sober*.

He inquired if you were of sober habits, and Casey told him that you had been drinking in New York, and I added that you had now quit; that for more than two years you had not drank anything. Wilson then said that Washburn would give you a fair trial, but if you drank, or your habits were bad otherwise, you would be at once dismissed. We told him, of course, we could not expect it otherwise. Wilson could not say where your duties might lie. He said he would not send you to Louisiana, but it might be necessary to send you to some of the Southern States in connection with revenue frauds or counterfeiting.

Now, major, this is a *good place*, and Washburn is a square man. We will give you a fair chance, but you cannot deceive him. Unless you resolve *not to touch liquor or beer* you had better not take the place. If you are discreet you can make for yourself an opening to a new life, and put yourself in the way of promotion and make yourself valuable to the Government.

If not, you will bring disgrace to yourself, and make it impossible for your friends to get anything else for you. Packard got Miller, of New Orleans, this place; he got drunk, and was recently discharged. He was brave and efficient otherwise. I will leave here on Monday for Louisiana. Write me, "House of Reps.," if you wish to suggest anything.

Yours, truly,

FRANK MOREY.

WASHINGTON, D. C., *December 2, 1875.*

MY DEAR MAJOR: I arrived from Virginia last night, and received your letter this morning. I was doubly surprised, first, that you had not received the place, and, second, that you had not let me know before of the failure. I immediately went to the Department, and was informed that after it was fixed when I was here before, that Senator West had called and had a man of his own whom he wished appointed, and said so much against you that the matter was held up. The Solicitor told me to-day, however, after I explained that you *was not* dismissed from the Post-Office Department, and what opposition kept you from being appointed, that the appointment *would be made*, that he would see Washburn to-day, and asked me to come up to-morrow, and I would no doubt get the appointment. Up to this morning, when I got your letter, I had no doubt but you were "serving the Government" at a liberal compensation.

I hope to be able to send, or have sent, the appointment to-morrow.

Yours, truly,

FRANK MOREY.

[Telegram.]

WASHINGTON, D. C., *December 3, 1875.*

To EDGAR SELYE,

Care Samuel Budd, corner Twenty-fourth and Broadway:

Wrote you last night, but too late for mail. You will get it to-night. It is all right, I think.

FRANK MOREY.

WASHINGTON, D. C., *December 3, 1875.*

DEAR MAJOR: I saw the Solicitor, and also Washburn, the chief, to-day. Washburn said he would make the appointment, (after an interview with the Solicitor this was.) I then asked him to put you on duty in New York, at least till after the holidays, as you preferred to spend that time there, &c. He said that if you were the "right kind of a man" he could do so and keep you there, but it took a first-class man and he would have to see you and talk with you first before deciding. I vouched for your ability and habits. Much stress is laid on the latter and on discretion. He said he frequently told some of his best men that if they could "leave their tongues in the office they would do splendidly."

He will put you on duty there if you make the right kind of an impression. Your address is in your favor; and you might speak of your Army record and record as special agent, all of which I have gone over with him. He goes to New York on the 16th instant, and will drop you a note to the care of Samuel Budd, informing you where to meet him. Neither he nor his men usually register. I of course depend on what you say as to your not now drinking *at all*. If it is not so you will stand no chance at all, as I

before told you, for that is fatal to a man's discretion, and would be especially in this kind of work.

Washburn will give you all necessary evidence of your position when he decides on the duty which he will assign you. I thought it to your interest to wait till he went over, with the chance of getting duty in New York, than to take an order to go elsewhere at once, on duty which would not be so desirable to you.

The members are pretty well all here, and log-rolling by the democrats for the speakership and other places which fall to them this time is the absorbing business.

Yours, truly,

FRANK MOREY.

[Telegram.]

WASHINGTON, D. C., December 21, 1875.

Major E. SELYE,

Care Samuel Budd, corner Twenty-fourth Street and Broadway :

Have been absent till this morning, in Philadelphia. Washburn did not go over till last night. Go see him to-day.

FRANK MOREY.

[Telegram.]

WASHINGTON, D. C., December 9, 1875.

Maj. EDGAR SELYE,

Care Sam. Budd, corner Twenty-fourth and Broadway :

Washburn cannot go immediately, but will send letter to-day to his man in New York, who will see you to-morrow.

FRANK MOREY.

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 9, 1875.

DEAR MAJOR: As I telegraphed, Washburn cannot go over for a week, he thinks, but has to-day written to one of his men to call on you and put you on duty at once, as he has some special work needing a good man at once. He will give you independent duty after a while, receiving instructions direct and reporting direct, if you acquit yourself well in your first efforts, which I know you will.

Yours, truly,

FRANK MOREY.

Would an Indian agency suit you better? I think it might be got from the new Secretary of the Interior. Reflect and let me know.

[Telegram.]

WASHINGTON, D. C., December 14, 1875.

To EDGAR SELYE,

Care Sam. Budd, corner Twenty-fourth Street and Broadway :

Have written you fully to-day in the matter.

FRANK MOREY.

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 14, 1875.

DEAR MAJOR: I was absent from the city until last night from Sunday, and did not get your letter till then. I wrote a note to Washburn this a. m., to which I received the inclosed reply. Not being fully satisfied, I went to see him, and have just returned. I was not satisfied to that part where he speaks of "temporary" duty. His explanation, however, was satisfactory of his meaning. Though not knowing the circumstances, I can readily understand that the failure to meet his man was not satisfactory to you. He wrote to his man, as he said he would, and the

next morning he got a letter from his man reporting the case in hand satisfactorily "worked up," consequently he did not act on Washburn's letter to see you and put you on, in the matter. This was a temporary work, intended to fill up the gap till Washburn went over and saw you, and gave you work of an independent character where you would report to him direct. I can give you no better assurances of good faith in trying to help you than I have already given. I cannot foresee that things miscarry—the most I can do is to remove the obstacle when I learn of it. I have not heard of your draft and could not now pay it. If, however, anything further should occur (as I do not expect) by which you are not put at work in a week's time, you can draw on me for \$50, and at the same time send me an order on the chief for the amount to be paid out of January salary. You will need all what you get for balance of this month for running expenses. I expected, of course, to have you confirmed, if appointed Indian agent. Senator West and I are now on friendly terms. Have agreed to disagree on some matters and be friendly in others. He will offer no further opposition to your getting the place under Washburn.

Yours, truly,

FRANK MOREY.

[Inclosed letter.]

UNITED STATES TREASURY DEPARTMENT,
SECRET-SERVICE DIVISION,
OFFICE OF CHIEF,
Washington, D. C., December 14, 1875.

SIR: I am sorry to inform you that the necessity, which I presumed existed, for the temporary employment of another man in this service, does not exist, as I learned from our New York agent yesterday. I am going to New York, probably Thursday night, and will see Mr. Selye. Please have him call at room No. 23, fourth floor, new post-office, on Friday next.

With respect,

ENU WASHBURN, *Chief.*

Hon. F. MOREY,
House of Representatives, Washington, D. C.

WESTERN UNION TELEGRAPH COMPANY,
Washington, D. C., December 29, 1875.

Have just seen W., who heard that you failed to report. He wishes to know immediately if you do not wish work, as he has important work pressing and must put somebody on at once. Work will be permanent. Answer.

FRANK MOREY.

Major EDGAR SELYE, (Care SAM. BUDD,)
Corner Twenty-fourth Street and Broadway.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 17, 1876.

DEAR SIR: From present indications neither Washburn or Brooks will be back for some weeks from Chicago. I can in the mean time get an order by which the man temporarily in charge will give you work if you think best to take it and "get hold of the ropes," so to speak, before Brooks returns. If not, and if within a few days there is no better prospect for the return of Brooks, I will get a clerkship here. Let me know what you think of it.

I received your letter with the inclosure.

Yours, truly,

FRANK MOREY.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 2, 1876.

DEAR SIR: I met a friend of Collector Arthur and P. W. James, of New York, here a few days since. He informed me that there was no chance in the former's office, but thought he could get you a place in the post-office; they pay \$80. Washburn will probably be absent till the close of the Chicago and Saint Louis whisky trials, and Brooks is seizing whisky in New Orleans, and may be there, the Lord knows how long. You mentioned the post-office among the places you would like. Shall I make the application?

Yours, truly,

FRANK MOREY.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 5, 1876.

DEAR SIR: Yours of 3d and 4th, and also one of last moment arrived in due course. Yours of January 1 did not answer, expecting from week to week the return of Washburn. I was pleased to hear that Marks had done as he first promised me he would do, in the matter of the *nolle-prosequis*. I asked the bank to return the note, as I had already sent the money to pay it to New York. It will be paid, on presentation, to W. H. Gladwin & Co., 78 Broadway, (first floor back.) I understood your reasons about the post-office position and can readily see that the position would not be agreeable. I will make another effort and see if I can get you a first-class clerk's place, (that is \$100 a month, isn't it?) If not, would you like such a place here in the Treasury Department; or Interior? I think I may be able to get it. I do not like to wait much longer on the chance of Washburn or Brooks returning. Let me know, and I will try if you wish.

Yours, truly,

FRANK MOREY.

Maj. E. SELYE, *New York.*

Q. What is that *nolle prosequi* referred to in the letter of February 5?—A. That refers to indictments that were held over me in North Louisiana. It referred to one of them; the other, I believe, they still hold over me in Saint John the Baptist Parish, for cutting telegraph-wires and kidnapping.

By Mr. REILLY:

Q. Who is the Marks referred to in that letter?—A. Marks is the district attorney of that parish.

By the CHAIRMAN:

Q. Were you indicted in that parish?—A. I was indicted in Jackson and in Lincoln Parishes, and the Louisiana legislature transferred the cases to Saint John the Baptist Parish.

Q. What were you indicted for?—A. For cutting telegraph-wires and kidnapping.

Q. Was any one else indicted?—A. Colonel Jewett was indicted for kidnapping, and Lieutenant Hodgson was also indicted for cutting telegraph-wires; but he pleaded guilty, and they fined him simply a nominal sum, as he was to be tried by court-martial.

Q. Were you brought to trial?—A. No, sir.

Q. How came it this *nolle prosequi* was entered by Marks?—A. Mr. Morey agreed to have both cases *nolle prossed*, but on the 3d or 4th of January, at the time these notes were given me, he remarked that this indictment would be held over me, and that there would be a requisition gotten out by Governor Kellogg that I should be brought down there and prosecuted if I made any publication of these matters, which referred to cutting the telegraph-wires, the use of troops, and the arrest of prominent democrats, &c.

Q. Did you or not retain copies of these papers you sold to Mr. Morey, so that you might, in any case hereafter, protect yourself by the use of them?—A. I had that view of it, sir, when I took them. He had deceived me, and I did not know what course he might pursue hereafter, and I prepared myself.

Q. That was with reference to these public matters—these public transactions?—A. Yes, sir; and without any view to any private matters at all. I knew that one case had been *nolle prossed*, but the other was hanging over me, and he threatened me with it; it was with that view, sir.

The witness then read the following additional letters, telegrams, and papers:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 22, 1876.

DEAR SIR: Washburn arrived on Saturday from the West. I did not learn of it till last evening. To-day is a holiday. I will see him to-morrow, and expect to have the matter fixed so that you can go at work on the 1st March. I shall try to have a definite understanding to that effect to-morrow, for I shall leave on Friday for New Orleans, to be absent till the 14th or 15th of March. I shall have to ask that the note falling due 4th of March may not be presented till ten or twelve days later. On my return from New Orleans I will arrange for its payment at the same place where the other was paid, W. H. Gladwin's, 78 Broadway. Trusting that before then you may be happily employed,

I am, yours, truly,

FRANK MOREY.

Maj. E. SELYE,
New York.

FEBRUARY 23.

I saw Washburn this a. m., and I feel very hopeful that the matter will be arranged before the 1st proximo, so that you will be at work.

F. M.

FEBRUARY 25.

Did not mail this in forgetfulness till to-day.
Am off to-day.

F. M.

WASHINGTON, D. C., *March 14, 1876.*

DEAR SIR: I arrived Sunday night from Louisiana. I have this p. m. sent the necessary funds to A. G. to meet the note due by me to S. A. H., and if you see him you may say to him that it will be paid to-morrow by W. H. Gladwin & Co., 78 Broadway. Washburn and Sol. Wilson will go to New York to-night on business, and W. said that if he found anything that he could put you to work at he would do so. Owing to the trials in New Orleans, Saint Louis, and Chicago, the full force of old Special here had to be kept at work, and the Treasury Department will not ask a democratic House for a deficiency, so they are very reluctant to put anybody on. Two or three were dropped, or notified they would be, prior to 1st March, but the pressure for their retention was so great that they were forced back again. You might drop in and see Washburn, if you see fit. I believe if you ever go to work and *suit him*, you will be retained, but you will have to "*work up*," as he expresses it. If you will not go to work in *his* way, it will be useless to see him, I am satisfied.

Yours, truly,

FRANK MOREY.

Major E. SELYE,
New York.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 3, 1876.

DEAR SIR: My trip to New Orleans involved a considerable expenditure, and I shall be obliged to ask that my note due Hatch to-morrow may be deferred till the middle of the month, when I will have funds to my credit again.

Washburn told he had expected to bring you here to work in the Ottman case, but somebody else who had been in it had to be kept in. There was another case, in Baltimore, I think, that we closed up so nobody was needed there. I hope we will find something soon, for, sir, no doubt you find doing nothing the hardest work you ever did. A place in the Interior Department might soon be had, I think, but I presume you would rather wait a little longer for that which has better prospects for pay and promotion.

Yours, truly,

FRANK MOREY.

Major EDGAR SELYE,
New York.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 4, 1876.

DEAR SIR: Yours of the 3d reached me this morning. I wrote you yesterday. I do not think the letter to Senator Bogy would be of any use; the other letter might be. As you suggest, your presenting it in person would not strengthen the case, and would only involve additional expense to yourself. I shall be very glad to present it, and if the Secretary will take additional interest in this matter, it might cause earlier action, though Washburn is very willing to give you the first opening that presents itself.

Yours, truly,

FRANK MOREY.

Major E. SELYE,
New York.

Postal card.

To Maj. EDGAR SELYE, care SAM. BUDD,
New York, corner Twenty-fourth street and Broadway.

WASHINGTON, D. C., April 18, 1876.

I will do my best to meet your wishes, and at the earliest date possible.

Yours, truly,

FRANK MOREY.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 14, 1876.

DEAR SIR: Darrell, Nash, and myself have united in recommending you for the position of special agent of the Pension Bureau to investigate pension frauds. Le Barnes, chief of special agents, says he wants three or four good men. The Secretary told me the only trouble was the want of funds prior to June 30—end of fiscal year. The House will not give him a deficiency. We have waited a week expecting Packard and Kellogg both here, who know Chandler well, and who would, we think, unite with us in the recommendation. We have determined to put in the application however, and see Chandler ourselves, and then ask the others when they arrive to urge it if not made by them. Please tell Hatch I will not be able to fix the matter before next month. I have had large expenses, unlooked for, and difficult to provide for, and it has kept me short.

Yours truly,

FRANK MOREY.

Major SELYE.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 21, 1876.

DEAR SIR: Casey, who went to New York to day, went with Darrell and myself and saw Secretary Chandler, and urged giving you a place on the 1st proximo. He said he would "try to do so." He was to see Conant to-day, (Assistant Secretary of the Treasury,) to see if you could not get a place in the Treasury Department as clerk. He left on the 1 p. m. train for New York, and I have not been to the Department since, but shall go to-morrow and learn the result. I will then write you, and it may be well to see him, and if the matter is not reasonably certain here, he may be able to fix it with Arthur. If Arthur has anybody he wishes to go to New Orleans, Casey will give him a place there, (or will give you the place there if you wish it,) in return for one in the New York custom-house. I shall pay half of that note by the 25th, if possible; if not then, by the 30th *certain*.

I am sorry that you are in so much trouble, and hope it will not continue much longer. I can sympathize with you, for I have had plenty of my own lately.

Yours, truly,

FRANK MOREY.

Maj. E. SELYE, New York.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 23, 1876.

DEAR SIR: I saw Secretary Chandler again on yesterday, and he agreed to put your name on a special list, from which he is to appoint about one-half on the 1st May.

I wrote to Casey on yesterday that I believed the appointment would certainly be made on the 1st proximo, if he would send an urgent request to Chandler to appoint, sending it through me or informing me that it has been sent. It might be well for you to call on Casey, at Fifth Avenue Hotel, and urge him to send the letter. He called with me, while here, on the Secretary, and joined with us in our request. After you get through this matter with him, if you represent that you are in debt and would not be able to come here without paying some pressing claims, I would not be surprised if you could borrow \$50. I told him that you had been out of employment a long time, and that I had loaned you some money from time to time, but that I had not had any that I could spare for a long time, and that you had written me that you were in debt and hard pressed. If you ask for \$100, as a loan, you might get \$50 perhaps. Use your own judgment.

Yours truly,

FRANK MOREY.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 26, 1876.

DEAR SIR: Yours of 25th instant is at hand. I think Casey could get you a place in New York, and so wrote you, and wrote to him at the Fifth Avenue Hotel, where he told me he would be. I wrote him to-day at the Astor House in your behalf, and now I do not propose to have anything more to do with it.

The Secretary of the Interior said he would appoint you as clerk on first July. Would not promise to appoint you special agent, for he doubted whether the funds from which their expenses were paid would allow any more before July 1.

If you do not wish the place there are others that do. The Election Committee decided to seat Spencer and to unseat me to-day; so I shall go out between 1st and 10th of May. You write very foolish letters. Neither Spencer nor anybody else wants your "statements." I am the only one who has helped you in your trouble, and you would now like to turn on me if you could. If you think it best, go ahead, and you will learn who will come out best in the end.

Yours, truly,

FRANK MOREY.

No. 45.

[Western Union Telegraph Company, William Orton, president; Geo. H. Mumford, secretary.]

OCTOBER 12, 1874.

To J. W. MARSHALL,

First Assistant Postmaster-General, Washington, D. C.:

Postmaster at Columbia strongly suspected of tampering with mails. Important that Hon. F. Morey's request for removal be complied with at once.

E. S.

WESTERN UNION TELEGRAPH COMPANY,
Washington, D. C., April 18, 1876.

To EDGAR SELYE,

Care of Sam. Budd, Fourteenth street and Broadway:

I think it will. Wrote you card this morning. Will write fully Friday of this and other matters.

FRANK MOREY.

WASHINGTON, D. C., April 30, 1876.

DEAR SIR: In reply to your inquiry I refer you to my letter. I said that I had written to Colonel Casey, asking twice if he could help you get a place under Collector Arthur; that this was all that I could do in that matter and did not propose to have anything more to do with it. I wrote to him because you had expressed a desire to have employment in New York. You have wished a place here in one of the Departments. I wrote you that you could have it, and I now wish to say that you must take it in a few days or it will not be kept open. Possibly I might get it left open till the middle of the month, though if you are going to take it I see no reason why you should not take it at once. Your own letter is the best reason why that note will not be paid at present. The consideration was the surrender to me of certain papers and statements and all copies and memoranda thereof. They were of no value to me, except to prevent being annoyed and put to the trouble of disproving or explaining such as might prejudice me while my seat in Congress was being contested. I care nothing for the copies, nor do I care how many people have seen them—I knew all about that before. Anybody can make charges, and you could make a new set to-morrow, if you chose, as skillfully compounded of truth and falsehood as to look probable. I will remind you, however, that the copies you refer to are my property and have been paid for, and you will please forward them, and any memoranda on which you pretend to base them, to me, by express, or bring them when you come, if you come. I do not know in what light you may have regarded this matter, but my attorney, to whom I have submitted the whole matter, informs me that it is as clear a case of "black-mail" as he ever knew in the course of a considerable criminal practice. He also informs me that if any of your charges were true, so far as they affected me, that you are indictable for "compounding a felony," by suppressing your charges. When you comply with your agreement, and send the copies and memoranda, and an affidavit to the fact that the copies and memoranda appended are all of them, then I will fulfill my agreement, simply because I agreed to do it—and I keep my promises—not because

I am under any obligation at all in the matter, as the agreement on your part was fraudulent in its inception. I have heard, though I have never paid any attention to it, that you had signed papers improperly, and that they might be matters of official record. If you did I have only to say that you were very imprudent and the law would declare it to be "forgery," and what you say about people who do such things is correct. I am very glad that there never was on record any such papers as that, in which myself or any other friend is concerned, and I have never believed that you signed any such. Still, if you have any curiosity in the matter, there is a special committee going to New Orleans in a day or two to investigate the departments of Government there, and you can go before them and tell all you wish to them. The proceedings in Congress will show how much I have to fear for myself or friends in such an investigation. You will find Lowell & Jewett, whom you have attacked so shamefully in your "statement," full of gratitude to you, and they will probably assist you as they did in your trouble before. So will Tom Johnson, who was appointed harbor-master by my consent, and Judge Steele, who is to be the candidate for attorney-general, and who is not in my way nor I in his. I have written fully and plainly so that there may be no misunderstanding hereafter about this matter.

I have tried to put you on your feet again, and have got you a clerkship. You will choose for yourself about taking it. I see no reasonable hope of your getting anything better, and shall make no attempt in any other direction. If you take the position I shall expect you to arrange to repay gradually the money received by you from me. It will then be wanted, and will become a loan and lose its character that it now possesses, and which is known by a name not necessary to repeat. If you prefer to take a different course, the way is open to you. The result will prove which way will be the best.

Yours, truly,

FRANK MOREY.

UNITED STATES OF AMERICA,
District of Louisiana:

THE UNITED STATES }
vs. }
A. G. COBB ET ALS. }

The President of the United States of America to the marshal of the district of Louisiana, or either of his lawful deputies, greeting:

You are hereby commanded to take and apprehend, and bring before me the body of A. G. Cobb, J. C. Hney, Samuel Skinner, N. Williamson, Ainsley Colvin, Sam Colvin, Jasper Colvin, Geo. C. Bellew, Trip Mayes, P. Barnard, Sabe Pebels, R. F. M. Williamson, W. H. Murphy, C. McCulloch, Hector H. Howard, L. Phillips, Frank Price, at my court-room, at Monroe, State of Louisiana, then and there to answer to a charge, on affidavit, made against the said above-named parties by W. M. Hannah, for oppressing, hindering, and preventing him, the said Hannah, from exercising and enjoying the right to hold office in the parish of Lincoln, as I warranted to him, the said Hannah, by the Constitution and laws of the United States, and in contravention of the sixth section of an act of Congress entitled "An act to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes," approved May 31, 1870, and by conspiring and combining together to oppress, hinder, and prevent his exercising and enjoying the same as aforesaid.

And what you do in the premises make due return to me.

Witness my hand and seal of office, in the city of Monroe, State of Louisiana, this 12th day of October, 1874.

D. J. M. A. JEWETT,
United States Commissioner in and for the District of Louisiana.

UNITED STATES OF AMERICA,
District of Louisiana:

THE UNITED STATES }
vs. }
W. W. PATTERSON ET ALS. }

The President of the United States of America to the marshal of the district of Louisiana, or either of his lawful deputies, greeting:

You are hereby commanded to take and apprehend, and bring before me, the body of W. W. Patterson, G. L. Gaskins, Wm. C. Albright, G. A. Calvin, A. J. McElroy, Thomas

McCrary, Tobe Hinton, John Bennett, John Gullatt, Tup. Mayes, L. I. Wilder, H. C. Glaton, Jim Hinton, John G. Jones, Rollie Chamblis, Jno. Goff, Richard Bennett, Wm. Gullatt, Frank Rolland, jr., N. B. Gill, Wm. Ginnus, Albert Robinson, J. E. Vining, Spencer P. Calvin, Samuel Calvin, Hulvaters H. Hector, Nate Williamson, Joe Cook, Henry Ward, Bit Guinious, J. E. Wayfield, Seaborn Jones, J. G. Henry, Frank Rice, Bill Neilson, James R. Ball, Jasper Calvin, W. H. Murphy, Dick Gill, Lee Green, — Garrison, W. L. Gill, Joe Ellis, Samuel G. Kinner, Wiley Cook, Ainsley Calvin, Hector H. Howard, Babe Revels, R. F. M. Williamson, Wm. Dark, C. W. Lyles, A. H. Colvin, Samuel Mayfield, A. G. Cobb, P. L. Phillips, J. W. Rhinehart, C. McCullough, J. P. Barmore, George Bellew, Jeff Malone, Eldry Gill, Wm. Chamber, at my court-room, at Monroe, State of Louisiana, then and there to answer to a charge, on affidavit, made against the said W. W. Patterson, G. L. Gaskins, Wm. C. Albright, G. A. Calvin, A. J. McElroy, Thomas McCrary, Tobe Hinton, John Bennett, John Gullatt, Tup. Mayes, N. B. Gill, Wm. Ginnus, Albert Robinson, J. E. Vining, Spencer P. Calvin, Samuel Colvin, Halvatus H. Howard, Nate Williamson, Joe Cook, Henry Ward, G. I. Wilder, H. C. Glaton, Jim Hinton, John G. Jones, Rollie Chamblis, J. M. Goff, Richard Bennett, Wm. Gullatt, Frank Pollard, jr., W. L. Gill, Samuel Skinner, Wiley Cook, Ensley Calvin, Hector H. Howard, Babe Revels, R. F. M. Williamson, Wm. Dark, C. W. Lyles, A. H. Calvin, Bit Ginuuous, I. E. Mayfield, Seaborn Jones, J. G. Heuey, Frank Price, Bill Neilson, James R. Ball, Jasper Colvin, W. H. Murphy, Dick Gill, Lee Green, — Garrison, Joe Ellis, Sam Mayfield, A. G. Cobb, P. L. Phillips, J. W. Rhinehart, C. McCullough, J. P. Barmore, George Bellew, Jeff Malone, Eldry Gill, Wm. Chamber, by W. H. Fountaine, for combining and conspiring to deprive Allen Greene, State senator, A. L. Greene, State tax collector, C. J. Greene, parish judge, W. M. Hannah, and T. H. Jones, police jurors, of their right to hold office and exercise and perform the duties thereof, and to deprive D. J. M. A. Jewett, United States commissioner, and John W. Harrison, recorder of Lincoln Parish, of their right to hold office, reside within the parish of Lincoln as guaranteed to them, and each of them, by the Constitution and laws of the United States, and in contravention of section six of an act of Congress entitled "An act to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes," approved May 31, A. D. 1870.

And what you do in the premises make due return to me.

Witness my hand and seal of office, in the city of Monroe, State of Louisiana, this 13th day of October, 1874.

D. J. M. A. JEWETT,

United States Commissioner in and for the District of Louisiana.

By Mr. NEW :

Q. Did you answer any of these letters ?—A. Every one of them pretty near.

Q. Have you got any of your answers here ?—A. I have not them here ; I have them in town, though.

By Mr. DARRALL :

Q. What is the date of that last letter ?—A. April 30, 1876.

Q. Did you reply to that letter ?—A. I did. I have introduced the United States warrants for the arrest of prominent democrats in North Louisiana, dated 13th October, 1874, to corroborate the portion of my testimony of yesterday which stated that Mr. Jewett was not a commissioner at the time these warrants were issued. I find, by looking over my memorandum-book of 1874, that arrests were made upon the 24th October. I was a little confused about the names of the parties arrested. S. R. Richardson, the mayor of Homer, John Ramsey, the recorder, and N. J. Scott, parish judge, were arrested on the 24th of October. These memorandums were made at that time ; and on the 25th we arrived at Vienna, and proceeded, on the evening of the 25th, *en route* to Monroe. We arrived at Monroe on the morning of the 26th. The prisoners were examined on the 27th—that is, the Homer prisoners—and their examination was continued until the 28th. I find, by my memorandum-book, that Mr. Jewett's commission arrived by the evening train, which gets in after dark, on the evening of the 27th, and I handed it to Mr. Jewett on that evening. The next day, the 28th October, their investigation was resumed, and those three prisoners, together with three other prominent democrats, were also examined on the 28th and discharged on bond that evening at 4 o'clock. Commissioner Jewett's commission, as he told me, was dated back ; that is, Jewett said he dated back the oath of office, in order to cover up from the 24th the time these prisoners were arrested at Homer. The oath of office was filled in on the 28th. The train went out in the following morning and took it to New Orleans, and I found there, by the records of the clerk's office, that the oath of office was filed October 30. I have a copy of Mr. Woolfley's certificate, under the seal of the court, which was one of those papers that Mr. Morey purchased ; and, looking the copy over, I find that Mr. Woolfley's certificate is dated May the 13th, 1875.

By Mr. NEW :

Q. What is that a certificate of ?—A. It is a certificate of the clerk of the court,

stating when Mr. Jewett was commissioned, when his commission was revoked, and when he was recommissioned. His first commission was dated October 23, 1872; that was revoked October 10, 1873; he was recommissioned October 22, 1874, and the commission was received at Monroe October 27, 1874.

By Mr. CONGER :

Q. Have you a copy of the commission?—A. I did not take a copy of the commission; I have only a copy of the certificate of the clerk of the court.

Q. Do you know whether the commission reads that he is commissioned to act until his successor is appointed, or how the commission reads?—A. I was distinctly told by Mr. Woolfley that all these commissioners appointed in 1872, myself included, had been revoked. I was appointed a commissioner at the time at the instance of Mr. Morey.

Q. Have you not proof that notice was given to this man that his commission was revoked?—A. I have simply what the clerk of the court told me, that he had revoked them all. I was notified with the rest of them. Yesterday, in my testimony, I spoke of telegrams sent by me to Packard and General Emory about troops, and about the documents, the telegrams, and requisitions for troops, &c. Though signed by me, the draughts of the originals were made by Mr. Morey. He would hand them to me and ask me to send them. For instance, here is a dispatch to J. W. Marshall, First Assistant Postmaster-General, Washington, D. C., written in Mr. Morey's handwriting:

“MONROE, October 12, 1874.

“Postmaster at Columbia strongly suspected of tampering with mails. Important that Hon. Frank Morey's requisition for removal be complied with at once.”

Morey would hand me dispatches or letters, requisitions for troops, and telegrams, and say, “Copy that, and sign your name to it.” I simply introduce this to show that these originals that Morey bought of me were these requisitions for troops, in his own handwriting, of which I have copies, and this is the way I received them.

By Mr. HOSKINS :

Q. Who gave you these two warrants?—A. Jewett, the United States commissioner.

Q. Did he hand them to you filled up, as they appear to be filled up here?—A. Yes, sir. There was another one. Morey and Green and Ray and several others sat up the greater part of the night of October 22 about it.

Q. Had Mr. Morey anything to do with these warrants?—A. Yes, sir. On the night of the 22d of October, Morey and Jewett and the Green family and John Ray were together, and they made out a list among them of those prominent democrats in North Louisiana who they thought should be arrested under the enforcement act.

By Mr. CONGER :

Q. Why do you say “prominent democrats?”—A. Because they are prominent democrats.

Q. Why do they put that “prominent” in?—A. Because there was one warrant with twenty-odd names, which Morey took out of my hands in the presence of witnesses, and he erased all the names except the four democrats that were arrested at Homer.

Q. They are charged in this warrant with conspiring together to prevent certain men holding office, who may have been of one party or another. I notice that every time you speak of them you speak of them as “prominent democrats.” Have you any particular object in so speaking of them?—A. Simply because they were prominent democrats, and to designate them from the smaller fry. They were holding the highest offices in Louisiana.

Q. They were contesting these offices?—A. They had held office for a long time; they were old respectable gentlemen. The mayor of Homer had been mayor for a long time, I think.

Q. Were they contesting the holding of office by other men?—A. I do not know about that.

Q. Did you read the warrant?—A. I did.

Q. You know the warrant says so?—A. The warrant says so; yes, sir.

Q. It says that they were conspiring to prevent other men from holding offices to which they were entitled?—A. Yes, sir.

By Mr. HOSKINS :

Q. You speak of an interview with certain parties the night before this warrant is dated. Were you present at that interview?—A. I was in the room, but I was very tired, and was asleep the greater part of the night.

Q. Were you present when this warrant was issued?—A. I received it the next morning. I saw Mr. Jewett making it up after the names had been collected.

Q. What did you see him do to it?—A. I saw him making it up.

Q. What do you mean by that?—A. Writing with a pen and ink on paper.

Q. You were present when he filled up this warrant, and put in the names?—A. Yes, sir.

Q. Were you present when they made that up?—A. Yes, sir.

Q. And you saw him make his signature?—A. Yes, sir.

Q. And you received it from Mr. Jewett?—A. Yes, sir. At that time I had not received this certificate from Mr. Woolfley, and was not officially notified that Mr. Jewett was not a United States commissioner; if you will notice the date I gave you when I learned that, it was May 13, 1875; I learned the fact that he was not a commissioner several days after these men had been arrested.

By the CHAIRMAN:

Q. May it not be that you used these words, "prominent democrats," because you constantly heard it said by the gentlemen who made up those lists that it was their intention to arrest the prominent men?—A. That is what they said; and Mr. Morey, in particular, told me he wanted those prominent men kept in jail until the eve of the election; then they would be released after their examination, and they would get home after the election was over, and, to use his own words, they could do him no hurt.

Q. The idea was to cut down the tallest plants?—A. That was the idea, as I understood it. The most prominent of the sixty-odd names on the long warrant had been pricked by a lead-pencil cross as the men that they wanted arrested in particular.

By Mr. HOSKINS:

Q. You have stated that you were in a conference with Mr. Morey, Mr. Jewett, and the Greens?—A. I said nothing of the kind.

Q. You were present at a conference where they were?—A. Yes, sir; but most of the time I was asleep; I slept through the night most of the time.

Q. The warrant which you have described as this last warrant bears a certain date?—A. Yes, sir.

Q. I would like to have you describe to this committee how this warrant, which bears the date of the 13th October, 1874, something like ten or twelve days before this conference, was made?—A. That is easily explained; I will explain the reason of this date of the 13th of October. There was a requisition made on Major George E. Head, of the Third United States Infantry, for troops to proceed to Vienna. They moved out of Monroe on the morning of the 13th, and in order for myself to accompany them it was necessary for me to have a conveyance, and the marshal paid my accounts according to the dates of the United States warrants; in other words, they were dated back to cover the expenses of the expedition; that is, for teams, for a horse, and so forth.

Q. You stated that these parties had a conference, at which you were present, and at which these names were suggested and made up on the night of the 22d, and the warrant was handed to you subsequently to that, and was signed that morning, and the service on the back of it shows that it was served on the 23d?—A. Exactly.

Q. Still it seems that the warrant was issued absolutely on the 13th, so far as it appears on its face, long before this conference was held?—A. I said it was received on the 23d, as I have noted here in lead pencil: "Received this warrant at Greensborough October 23, 1874." I received that the following morning, after it was made up. It was dated back to the 13th for the purpose of covering up the expenses of the expedition.

Q. There is an indorsement on the back of it about the arrest?—A. Yes; "Arrested J. E. Hughey."

By Mr. CONGER:

Q. You took this warrant from the commissioner and served it with the full knowledge that it was antedated?—A. Not that warrant entirely, but other warrants.

Q. You took this warrant from the commissioner and served it with the full knowledge that it was antedated?—A. Yes, sir, I did, for the purpose of collecting the expenses of the expedition of the troops, and so forth, that went out to arrest these parties.

Q. Was it at your own suggestion that this was antedated, so as to collect your money for previous expenses?—A. It occurred both to Mr. Jewett and myself that it should be so.

Q. Did you suggest it to Mr. Jewett?—A. Yes, sir; undoubtedly I did. I did not want to pay money out of my pocket, as I did afterward, which was not paid to me back.

Q. Had you been to any expense in regard to the serving of this warrant?—A. Not this warrant, directly. I was at an expense with the cavalry and the infantry before any warrants were executed.

Q. Were you at any expense before in the service of this warrant?—A. Undoubtedly. I had to leave Monroe and travel thirty or forty miles.

Q. Had you, before this warrant was issued, been at any expense under the warrant?—A. Yes, sir.

Q. By virtue of the warrant?—A. No, sir; not by virtue of the warrant; but I had been at expense to get out to Greensborough; I had left Monroe.

Q. Then you had this dated back to cover that expense?—A. Yes, sir; to cover that expense.

Q. To cover expenses which were not incurred by virtue of the service of the warrant?—A. They were incurred in order to execute warrants. Mr. Morey knew there were no warrants issued when we got our orders. I moved out of Monroe with the troops on the 13th of October, without any sign of a warrant except the blank forged warrants that Mr. Morey gave me. He forged the signature of W. J. Q. Baker to a number of blank warrants, and in case I did not get the United States commissioner, and in the event the commissioner did not come out, or that Mr. Jewett was not to be found, or that Mr. Trimble did not do it, then these warrants were to be filled in. Morey was to come out and join me; there was to be speaking at Farmersville and at Homer. The troops were taken from Monroe without the first sign of a legal warrant, and with nothing but these blank forged warrants, and they went to Vienna and encamped there. The next morning or evening Major Head and his infantry command left Vienna and proceeded to Farmersville.

Q. Whatever other object you had in view, you procured the antedating of these warrants for the purpose of covering some expenses which were not incurred in the service of the warrants themselves?—A. The expense was incurred the moment that the troops left Monroe.

Question repeated.—A. I did procure the warrants to be antedated.

Q. For the purpose of covering expenses which were not incurred in the actual service of the warrant?—A. No, sir; the expense was incurred.

Q. But not in serving the warrant?—A. Yes, sir; the moment that the troops started out of Monroe, they crossed the river, and there was the toll to pay.

Q. You could not serve any warrants till you had them in your possession?—A. No, sir.

Q. Then you could not incur expense in their actual service?—A. I knew I was going to get them, even in the absence of the commissioner.

By the CHAIRMAN :

Q. It appears, from the date of these warrants, and from your statement as to the time when you received them, that nothing had been done with, or on account of those warrants, until they were placed in your possession; was it possible, in the very nature of the case, for you to incur any expense under these warrants until you had actually had the warrants placed in your possession?—A. Hardly.

Q. Did you have information, before these warrants were actually issued, that you were going to get these warrants?—A. Yes, sir; in the event that I overtook Jewett or saw Baker, who was to follow me the next day.

Q. Under that information, did you incur expenses?—A. I did.

Q. And it was to cover these expenses that you procured the antedating of these warrants?—A. I did.

By Mr. HOSKINS :

Q. What expense, that was legitimate, had been incurred between the 13th of October and the 22d of October, that you expected to charge up or recover by these warrants being dated back?—A. There was a team from Monroe to Vienna.

Q. For what purpose?—A. To convey myself out there.

Q. For what purpose did you go out?—A. To accompany the United States troops.

Q. For what purpose did you go out to accompany the United States troops?—A. To make those arrests when I received the warrants.

Q. Why was it necessary for you to go out there with a team ten days before?—A. I could not walk 34 miles.

Q. Was it necessary for you to go out to serve these warrants when you had not yet got them?—A. Mr. Baker was to come out the morning of the 15th, and was to join me on the evening of the 15th. If Mr. Baker was not found, we were to find Mr. Jewett. This was the programme laid out by Mr. Morey to get the troops out in the country.

Q. You did not find Baker there?—A. No, sir; he was at Monroe, and was to meet me the next day.

Q. What expense did you incur?—A. The next day Major Head went into camp. We went from there to Greensborough.

Q. Did you incur any expense in the moving of the United States troops?—A. No, sir.

Q. What had you to do with the expenses incurred by Major Head?—A. I had nothing to do with Major Head's expenses; I am speaking of my own expenses.

Q. Then, the expenses between the 13th and 22d of October were your own personal expenses as deputy United States marshal?—A. Yes, sir.

Q. Without any warrants to serve upon persons?—A. No, sir; I got warrants out afterward.

By Mr. REILLY :

Q. Where were these warrants issued ?—A. They were issued at Greensborough.

Q. From where did you come to Greensborough ?—A. From Monroe to Greensborough.

Q. Had you received instructions to go to Greensborough for the purpose of receiving warrants, which you, as United States deputy marshal, were to execute ?—A. Yes, sir.

Q. Before you left ?—A. Yes, sir.

Q. And the expenses which you wanted to secure by antedating the warrants were the expenses which you incurred on that trip ?—A. Yes, sir.

By Mr. HOSKINS :

Q. By whose authority did you go out ?—A. By Mr. Morey's, who was the general director of troops, &c., out there.

By Mr. CONGER :

Q. What dates did you go out to Monroe ?—A. It was the 16th, I left.

Q. You stated a little while ago it was the 13th.—A. I see why it was dated the 13th ; the requisition for troops was made the 13th.

Q. You now think it was the 16th you left Monroe ?—A. I know it was the 16th ; I see it now by my memorandum-book.

Q. Was it not the 20th that you left Monroe ?—A. No, sir ; it was not the 20th.

By the CHAIRMAN :

Q. Give your reasons for what you now say.—A. I see by a memorandum here that I made a requisition on Major Head, commanding the Third United States Infantry, for troops to go to Vienna. Twenty-three enlisted men and one commissioned officer proceeded there. The reason for this antedating was not only to cover my expenses, but to put some legal aspect on this requisition of mine for the troops.

By Mr. CONGER :

Q. You wanted to legalize and sanctify the whole proceedings ?—A. That was Mr. Jewett's idea.

Q. What was your idea ?—A. My idea was to get the expenses I incurred.

Q. And, in order to do it, you had to legalize all these former operations by dating back the warrant ?—A. I never antedated it.

Q. The foundation of your asking for troops was to assist in making arrests ?—A. That was Mr. Morey's foundation for it.

Q. You said you made a requisition for troops ?—A. Mr. Morey handed me one to copy.

Q. Do you deny your action ?—A. No, sir ; I made the requisition at his order.

Q. You made the requisition, then, to assist in the execution of some warrants of arrest ?—A. Yes, sir.

Q. And, therefore, when you got a warrant of arrest, it was necessary to date it back to cover the legality of that requisition ?—A. It seems Mr. Jewett thought so.

Q. You thought so, too ?—A. I saw the necessity of it.

Q. Therefore, you had it dated back to cover expenses, and also to legalize your requisition for troops ?—A. My idea was not to legalize it ; but that was Mr. Jewett's idea. My idea was to get the expenses I had incurred on the trip.

By the CHAIRMAN :

Q. What do you mean by saying you got these orders or instructions from Mr. Morey ? Do you recognize that a Congressman has charge of the United States troops ?—A. He had it there, sir.

Q. Did he show you any authority ?—A. No, sir ; Major Merrill and General Emory and Major Head, and Lieutenant Hodgson seemed to obey him as if he was in the Army.

Q. Who was your chief as deputy marshal ?—A. Mr. Packard.

Q. Had you any instructions from him to obey the orders or instructions of Mr. Morey ?—A. No, sir.

Q. Had you instructions or orders from anybody ?—A. No ; only Mr. Morey.

Q. Did he disclose to you any authority ?—A. No, sir.

Q. Why, then, did you obey his orders or take orders from him ?—A. I was simply acting with the party ; that was all.

Q. What do you mean by acting with the party ?—A. I was called upon to do this work, and I did it ; and that is what I mean.

Q. By whom were you called upon ?—A. By Mr. Morey, Mr. Ray, and the rest of them.

Q. Did not you get your instructions, as acting deputy marshal, from the marshal of that department ?—A. I got my commission from him.

Q. When you got your commission from him, or at any time subsequent thereto, did you ever have any conversations with him of a political character ?—A. O, yes, sir ; I have had them with the marshal a great many times.

Q. What is the name of the marshal of that district?—A. Packard.

Q. Did he in these conversations of a political character point out to you any duties that you were ever to perform in connection with the political campaign?—A. My commission was forwarded by mail. At the time the troops were used I was at Monroe, and he was at New Orleans. My communication was simply by letter and by telegraph.

Q. Did you have any instructions from Mr. Packard to use United States troops for the political purposes that you have spoken of here?—A. I had no instructions from him. I had telegraphed, though, at Morey's suggestion, to Packard that the infantry troops there were not what was wanted—they wanted cavalry—and for him to see Emory and Kellogg. That dispatch was sent at Morey's request. The original draught was gotten up by him.

Q. Did these troops remain in the country long after the election in 1872 or 1874?—A. In 1872, they remained there probably a month, or about that time, I think, to the best of my recollection. I am not positive as to the time. In 1874, they remained but a short time. I went from Monroe to New Orleans, and I did not keep track of them after that.

Q. Did you make any report to the marshal in New Orleans of these official transactions that you have related to this committee?—A. I was called upon by Marshal Packard to make a report as to the cutting of the telegraph-wires. He was requested by the Attorney-General to make a report with reference to it.

Q. Were the telegraph-wires cut during this campaign?—A. They were cut by United States troops. I made a report to him concerning that, and that is the only report I made.

Q. You did not make him acquainted with the movement of the troops under your orders for the arrest and trial of citizens, or any of these circumstances?—A. Verbally, I did. When I took up my bill to him, and received the bill for my expenses, that I had incurred in the arrests, we talked it over generally. It was a general conversation.

Q. Did you make him aware of the fact that these transactions were illegal and unlawful, as you have this committee?—A. That, I thought, was a matter of fact. I thought that he knew that.

Q. Did he reprimand you for a departure from your duty?—A. On the contrary, I was highly commended for what I did in North Louisiana during the campaign.

By Mr. CONGER:

Q. You did not find out yourself, as I understand you, that Mr. Jewett was not a commissioner until the 25th of May succeeding, or some time long after these transactions?—A. The 13th of May, 1875, was the first time I knew of it positively.

Q. So that part of the fraud you had no knowledge of until the next summer?—A. I had no knowledge of it whatever.

By the CHAIRMAN:

Q. Was there in that parish where you made these arrests any political contests for the offices between claimants for them and the then present occupants of the offices at Homer?—A. Not that I know of; I believe there was at Lincoln Parish.

Q. You declined yesterday to answer my questions with reference to certain fraudulent pay-rolls in the custom-house at New Orleans; have you any knowledge of what became of those pay-rolls, or where they are now?—A. Mr. Morey had them; that was the last I saw of them.

Q. Have you any reason to believe that they are not in the Department in this city?—A. Not in this city.

Q. Or in New Orleans, in the custom-house?—A. From the conversation with Mr. Morey, on the 3d of January last, at the Fifth Avenue Hotel, at dinner, I should infer that these fraudulent pay-rolls were not in New Orleans.

Q. What do you mean by "you should infer"?—A. Mr. Morey told me at dinner, on the 3d of January, 1876, that he had had a conversation with Herwig, and told him that if he could stand the racket that he could; that he had destroyed all evidence of his fraudulent connection with those pay-rolls. His words were probably not exactly worded that way, but that was the substance of his conversation.

Q. Who was Herwig?—A. He is deputy collector at New Orleans.

By the CHAIRMAN:

Q. You stated yesterday in your conversation that you had received certain sums of money from Mr. Morey for certain original papers that you had sold to him.—A. Yes, sir.

Q. Did you ever at any time receive from any other person any money paid to you in connection with this transaction?—A. I read to you a letter a moment ago from Mr. Morey, dated the 23d of April, 1876, instructing me to see Casey at New York. I went to see Mr. Casey, and he seemed to be somewhat exercised over this committee being appointed and my testimony that would be probably drawn out. I went to see him with a view, as Morey told me, to get a position in the custom-house. He obtained a position for me, within two or three days, in the custom-house, and gave me \$50.

Q. Are you still an officer in the custom-house at New York?—A. I am supposed to be, unless I have been removed since I have been on here. I asked for leave of absence, which was extended to me.

Q. Did I understand you to say yesterday that certain considerations—certain bribes—were offered to you to go to Canada to evade examination by this committee?—A. Yes, sir. The first intimation that I had of it, I received this card at the place where I receive my mail, at the corner of 24th street and Broadway, from L. J. Souer.

Q. Who is he?—A. He is a member of the legislature of Louisiana. The card says:

“MAJOR SEYLE:

“DEAR SIR: I am anxious to see you. Please call.

“L. J. SOUER.”

This was on the 4th of May. I made a memorandum at the time of the entire matter, which refreshed my memory about the date.

Q. What occurred at this interview?—A. I went to the Fifth Avenue Hotel to see Souer, and he called me aside and told me that a sergeant-at-arms was then in town, he thought, with a subpoena, and that I had better get out of the way; that it was not best to testify, it would send me to the penitentiary; that Morey was prepared to meet the issue, to use his words, and he told me that I had better go to Canada, and asked me if I would go to Montreal. He then showed me a dispatch from Morey to him, dated that day, the 3d or the 4th, I will not be certain which, telling him to see Casey. I will give you the substance of the dispatch, but I cannot remember exactly the words, though he showed me the dispatch twice. It was for him to see Casey, and telegraph down to the Astor House for Casey to wait there until Souer came; that that man had been procured a place in the custom-house—I had just been appointed, two days before that—and that I had been subpoenaed, and that Casey had better get me a leave of absence at once.

Q. So that you might come here?—A. No, sir; that I might go to Montreal, or some other place.

By Mr. HOSKINS:

Q. Did the dispatch say so?—A. No, sir.

By the CHAIRMAN:

Q. What did the dispatch say?—A. That is what it said—for Casey to get me a leave of absence at once.

Q. Who had that dispatch?—A. L. J. Souer.

Q. Was this dispatch shown to you in the presence of anybody?—A. It was shown to me by Souer first at the Fifth Avenue Hotel, and again at Casey's room at the Astor House, in his presence.

Q. In the presence of Mr. Casey?—A. In the presence of Mr. Casey.

Q. Did they put that construction upon this telegram?—A. Undoubtedly.

Q. Did Mr. Casey offer any inducements to you to go over to Canada or to Montreal—did he make any suggestion to that effect?—A. Mr. Casey went to the custom-house and got them to agree that if I went to Canada that when I returned I should have my position. He asked if the pay could go on if he got me a leave of absence, and if I should receive my pay while I was away. Mr. Sharpe told him, so Casey told me, that it would not answer to give me a leave of absence, for if the inquiry was made where I was, and I had a leave of absence, they could not show why; it would be a very bad showing in the matter, and they were not interested in the matter enough to get themselves into trouble. That was the expression, or words to that effect. That is pretty near the substance of what he said. He, Casey, told me that Sharpe pledged his word and honor as a gentleman that just as soon as I came back I should have my position back again, and Casey said to me, “I pledge you my word and honor as a gentleman that Sharpe told me that,” assuring me if I went away I should have my place when I came back. Casey said as to money matters, “Souer will fix that with you.” Souer was negotiating with Morey. He offered me \$150 cash, and \$150 each month while I was away.

Q. Who offered that?—A. Mr. Souer. I declined to accept it. I told him I had not been subpoenaed, and I did not know whether I was going to be subpoenaed or not, and that if I went away it would be a very small amount, any way, to go on.

Q. Were you with Mr. Casey when he had this conversation with Mr. Sharpe?—A. No, sir; he went down there, and came back and reported to me.

Q. Is Mr. Sharpe an officer in the custom-house?—A. He is either deputy collector or surveyor.

Q. State what Mr. Casey did say.—A. He told me I had better keep away, and when I came back I should have my position.

By Mr. HOSKINS:

Q. Did he go to Mr. Sharpe for the purpose of procuring for you a leave of absence?—A. He did.

Q. Did he express the purpose that you should use this leave of absence to evade this examination?—A. Undoubtedly.

Q. State what he said to you with reference to this matter.—A. I had an engagement with Casey and Souer to be there at, I think, half past twelve or half past one; we will say half past one. I was there punctually at the time. Mr. Souer was not there, and Mr. Casey was not there, but in a short time Casey came in, and we went up to his room, and he told me that he had been to see Mr. Sharpe. Mr. Sharpe said he could not possibly give me a leave of absence to go away; that if he did, if inquiry was made where I was they could not give a good showing, and that they could not get themselves into any such trouble, but that if I went away he would pledge his honor as a gentleman that I should be re-appointed just as soon as I came back, and Mr. Casey pledged me his honor as a gentleman that Mr. Sharpe said so.

Q. State, if you can, the substance of what Mr. Casey said about where you were to go—whether to come to this committee or go somewhere else.—A. I told him Mr. Souer had suggested to me to go to Canada. He said, "Well, I have done all I can; I have secured your place, and Mr. Morey must look out for the furnishing of the money, and Mr. Souer will attend to that part of it."

Q. Did you have any conversation with Mr. Casey about coming before this committee?—A. I did.

Q. State, if you can, the substance of that conversation.—A. He asked me about what I knew of the irregularities of the custom-house. I told him I could tell him better about that when I was asked questions touching upon irregularities there to see what I did know. Still he said he understood certain charges had been made in the press, &c., and if Morey had been guilty of any of those irregularities it was his deputy, Mr. Herwig, and not he that had done it; that he, Casey, was innocent as a babe, &c.

By Mr. REILLY:

Q. The question was, what he said about your coming before this committee to testify.—A. That is all, sir.

Q. Is that all he said?—A. We had several conversations.

By the CHAIRMAN:

Q. Say what he said, in any one of these conversations, in the way of inducing you to come before this committee, or to avoid coming before this committee.—A. At a previous conversation, I went there at the suggestion of Morey, in that letter I read here to-day, to go and see Casey, for he could get me in the custom-house, and to ask him for a hundred dollars, and probably I would get fifty dollars out of him, as a loan. Casey went right down with me to the custom-house and saw Sharpe, and Phillips came out and told me that it would be fixed—the name would go on to Washington. I was sworn in on the 1st and did duty on the 2d of May. This conversation took place on the 27th or 28th of April.

Q. Had this committee been organized at that time?—A. The resolution had passed the House and the committee had been appointed.

Q. Was any reference made to this committee in any of these conversations?—A. Mr. Casey referred to Mr. Ellis. I believe at that time the papers stated he was to be on the committee.

Q. I mean, did he refer to your appearing before the committee, and your relations or connection with it; did he say anything about your coming before this committee, or about the importance of your avoiding coming before this committee?—A. When I left, the understanding was that Souer was to fix up the money-matters with Morey. Casey said that Morey wanted to push it all onto Kellogg and him, but Kellogg would not stand it, and he did not feel like paying out money; and the last words he said to me, as I went out, were that he had never done anything to me and I ought not to be very hard on him before the committee.

Q. You said yesterday that threats were made by parties.—A. Yes, sir.

Q. Have you any data or memoranda about that?—A. Mr. Souer, on the 4th of May, told me that I would land in the penitentiary if I testified.

Q. Did you take that to be his opinion, or was it a threat?—A. It was a threat, undoubtedly.

Q. State what Mr. Souer said in connection with this examination by this committee.—A. I do not remember exactly what he did say in reference to that one point.

Q. Did he say anything about your going to Canada?—A. He did. He suggested Montreal, Canada; that I should go immediately to Montreal, and that I ought to take the train that night.

Q. What did he want you to go to Montreal for?—A. In order that I should not be subpœnaed. He showed me this telegram of Morey's to him, which stated that I had been subpœnaed, and for Casey to get me a leave of absence.

By Mr. CONGER:

Q. Leave of absence to obey the subpœna?—A. Not at all.

Q. Did it say either way?—A. No, sir; it didn't.

By the CHAIRMAN :

Q. Who saw that telegram ?—A. Casey did.

Q. Anybody else ?—A. I don't know whether Kellogg saw it or not. I was in Kellogg's room when he was talking about it. Casey said he did not like it much, Morey telegraphing in that way and mentioning his name about it ; he did not like that Morey should use his name and ask him to go and get me a leave of absence—to make the matter so public.

Q. What construction was put upon this telegram by Mr. Casey ?—A. That I was to leave the country.

By Mr. REILLY :

Q. You had not been, in point of fact, subpœnaed ?—A. No, sir. That was on the 4th, and I was subpœnaed some days after.

Q. Who is this Mr. Souer ?—A. He is a member of the Louisiana legislature—a member of the house.

Q. Did he know that you were in New York City, or did you know that he was ; had you seen him before these conversations ?—A. O, yes, sir ; I have known him for several years ; I have met him in Louisiana.

Q. At this particular time did you know he was in New York City, or he know you were there ?—A. He undoubtedly knew I was there. He was at Mr. Betts's, where I got my mail, corner of Twenty-fourth street and Broadway. He was there two or three times during the day, asking if I had been in to get this note, and appeared to be very anxious. A gentleman there told me there was somebody hunting for me ; I thought first it was the Sergeant-at-Arms, until I opened this letter.

Q. Did you have any conversation with either of these gentlemen after you had been subpœnaed by the Sergeant-at-Arms ?—A. No, sir.

Q. I mean anything in relation to your going away ?—A. No, sir ; I have not been approached by them ; in fact I would not speak to any one on the subject after I had been subpœnaed.

By Mr. CONGER :

Q. Were the statements that you have made about the payment of money to you, and threats used, all that was said on that subject ?—A. To-day and yesterday, yes, sir.

Q. You have made a statement of all the circumstances of any threats or bribes, and all the persons who made them ?—A. Yes, sir.

By Mr. HOSKINS :

Q. What position did you hold in the custom-house at New York ?—A. Clerk.

Q. In what department ?—A. It is in the fourth division.

Q. Under Mr. Sharpe ?—A. No, sir ; under Mr. Wynkoop, the deputy.

Q. Are you in the surveyor's department, or are you in the custom-house under General Arthur ?—A. I really cannot tell you ; I have been there but a few days. Mr. Casey went to Mr. Sharpe, because he is the head of my department.

Q. You have related a conversation that occurred down there at the custom-house between Mr. Casey and Mr. Sharpe ; were you present at that conversation ?—A. No, sir ; I simply repeated what Mr. Casey told me.

Q. Were you present at any conversation between General Sharpe and Mr. Casey ?—A. Yes, sir ; I was present when he went to see him about my appointment. I went with Mr. Casey to see him.

Q. You spoke of the money arrangements that Mr. Casey said Mr. Morey must make, and you said the money arrangements were made between Mr. Morey and Mr. Souer ?—A. Yes, sir.

Q. How did you arrive at that information ?—A. Mr. Souer told me he was telegraphing to Mr. Morey on the subject, and he was expecting an answer from him ; he said that all the authority he had at that time was to give me \$150 in cash, and to pay me \$150 a month while I was away.

Q. But you didn't receive the money ?—A. No, sir.

Q. You received \$50 from Mr. Casey ?—A. Yes, sir, I did ; that was some days prior ; that was the day the appointment was made.

Q. Was that a loan to you from Mr. Casey ?—A. Yes, sir, I presume so ; I don't know.

By Mr. CONGER :

Q. Did you tell Mr. Souer why you did not take his money ?—A. I did, undoubtedly. I laughed at his proposition for a man to go away and stay for two or three months on \$150.

Q. Did you state to Mr. Souer why you did not accept his money ?—A. I said to him I would not accept it.

Q. Anything else ?—A. That is all I remember telling him now.

Q. Those were all the words you used ?—A. No, sir ; I don't remember exactly what I said to him, but that was the substance about his offer of \$150.

Q. You did not tell him why you would not, or give any reason other than that you would not ?—A. That is all. I said that I would not take his \$150.

Q. What was the reason?—A. Because I would not accept it. I told Mr. Souer that I had no knowledge of any subpoena. At that time the Sergeant-at-Arms had not got there. I said that if he or Mr. Casey or anybody else thought it of sufficient importance for me to go away they would have to provide for me better than \$150.

Q. The amount was not satisfactory?—A. No, sir; undoubtedly it was not.

Q. Had you in your own mind an amount that would have been satisfactory?—A. I might have had.

Q. Did you suggest any amount that would have met the occasion?—A. He asked me how much, about, I thought I would want. I told him Mr. Morey's three notes were not paid. I wanted him to pay those three notes; and if they were very anxious for me to keep out of the way, that I had not then been subpoenaed, and to give me \$500 more.

Q. In addition to his offer; do you mean that?—A. In addition to the \$300.

Q. Did you give him to understand that at that rate of compensation you would absent yourself?—A. I did.

Q. And they didn't offer you that?—A. He told me that he thought he could get \$500, and that he was to telegraph Mr. Morey about it, but he didn't think the notes would be paid. He did not think he could get the other \$300.

Q. At any time after that did he agree to and comply with your requisition?—A. Mr. Souer then urged very strongly that I should not go down to my desk at the custom-house the next morning. This was in the evening. He said that he had telegraphed Morey, and he would get a dispatch the next day informing him whether Morey would comply with that request for the \$500 and the \$300—the three notes for \$100 each that were unpaid—and I told him that I was not going to run the risk of losing my position, and I went there to the custom-house the next day. I did not care whether the Sergeant-at-Arms subpoenaed me or not. The books there in the custom-house will show my name recorded. We sign our names there each day. I went there the next day and the day after that.

Q. Come now to the time, if it existed, when he renewed the offer?—A. I declined then to have anything further to do with him; he was playing a bluff game about the penitentiary business.

Q. And he would not pay the notes?—A. And would not pay the notes.

Q. And would not give you the \$500?—A. No, sir.

Q. But talked penitentiary?—A. Yes, sir; as a bluff, I think.

Q. Which induced you to refuse any further intercourse mainly—the bluff or the refusal to pay the money, if you can divide the influences that controlled you?—A. It was both, I reckon.

Q. And they influenced you equally?—A. About equally.

By the CHAIRMAN:

Q. Was this \$800 to be in addition to the consideration of your getting an assurance that you would get your place back when you returned?—A. Mr. Casey told me that as far as the \$800 was concerned—the \$500 and the paying of those notes—Morey should pay those notes, and he thought he acted shamefully about those notes, and that Souer would guarantee the money part of it. Casey would guarantee me my place when I came back, but he could not guarantee me my leave of absence so that I could get my pay as well.

Q. What were you to do in consideration of this place and these notes being paid and this money?—A. I was to go to Montreal and remain there.

By Mr. REILLY:

Q. For what purpose?—A. To keep away from this committee.

By Mr. HOSKINS:

Q. If you had received the pay on the notes and the \$500 in money, as that was what you required, did you intend then to go to Montreal?—A. I did.

Q. And you would have gone?—A. I would have gone, and for this reason: Morey had threatened me with the indictments that were pending in Louisiana, and I had then been threatened by Mr. Souer that I would go to the penitentiary, and I made up my mind that I had better get away.

Q. Do I understand that you were going to Canada to get rid of these indictments?—A. No, sir; to get rid of any indictment that might come out of the testimony that I would give before this committee.

Q. Then you were going there to get rid of coming before this committee and to avoid any indictment that would attach to yourself?—A. Any indictment that would come out of this testimony.

Q. These and other indictments, or simply these indictments?—A. Simply those growing out of the testimony that I proposed to give here, and the persecutions that will follow me probably after I get through testifying.

Q. The consideration of the money, then, was of no account?—A. It was evidently of some account to me.

By Mr. CONGER :

Q. Was it in your mind that you could not come here and testify without laying yourself liable to indictments?—A. No, sir.

Q. Did you think you could come and testify to the truth without criminating yourself?—A. I could testify to the truth of some portion of the testimony without criminating myself; yes, sir.

Q. Could not you come and make a truthful statement of all that would be asked without criminating yourself?—A. No, sir.

Q. Did you think so then?—A. I did.

Q. Do you still think so?—A. I do, sir.

Q. Then a part of the reason you wanted to go Canada was, to avoid putting yourself in a position to be indicted?—A. Yes; by giving this testimony before the committee. I thought then that the committee would make application to the Attorney-General, and I might get immunity if they thought my testimony of sufficient importance against the other parties.

Q. You did not think you could get immunity for anything that you would do here; you could only get immunity for something you had done previously?—A. I could get immunity from the acts, the crimes, that had been committed by Morey that I might have had a hand in.

By Mr. HOSKINS :

Q. You did not expect to get immunity for crimes committed by Morey; you were not responsible for them?—A. The crimes with which I had connection.

By the CHAIRMAN :

Q. Do you mean to say, then, in these matters about which you declined on yesterday to testify, Mr. Morey was connected with you?—A. I do.

Q. Have you reason to believe that the threats that were made against you in the event that you should appear and testify before this committee will be carried out against you hereafter?—A. I have reason to believe so.

Q. What are the grounds for the belief, if any; have you known of other people being persecuted in that way?—A. Yes, sir; I have heard of other people being prosecuted and persecuted in Louisiana by the republican politicians there for testifying. I have heard of their being killed, murdered, and so forth, for testifying against corruption in Louisiana, and against State and United States officials.

Q. What do you expect will be your fate when you get through with this investigation?—A. Without immunity, I expect to be taken back to Louisiana on writs or on a requisition of the governor, one or the other. Either there will be the United States process or the State process.

By Mr. CONGER :

Q. These matters that you think you may be taken on writs and arrested for were known in Louisiana to some persons all the while, were not they?—A. Since they have transpired, certainly.

Q. And you remained there a long while after these were known to some persons besides yourself?—A. I remained there until the early part of July; about the 3d of July, 1875; about six months after these transactions.

Q. You did not leave Louisiana for anything connected with affairs of this kind?—A. No, sir.

Q. And yet they might have prosecuted you then just as well as now?—A. Yes, sir; if they knew as much then as they do now—that I was going to testify—probably I would not have got up here.

Q. That is your opinion?—A. There is no doubt about it. There is no question about it. I have good reason for believing it is a good opinion.

Q. I will ask you whether things that you think you might have been arrested for were not open public acts, known in Louisiana as well then as now?—A. Yes, sir.

Q. Then your testimony would not show any new state of facts that was not known before?—A. No, sir; it would be useless for me to testify to that kind of thing in Louisiana with the same corrupt United States officials there.

Q. You say the things for which you might now be charged were known in Louisiana before?—A. Yes, sir; if you mean the arrests in North Louisiana.

Q. I mean any acts for which you might be criminally prosecuted?—A. I don't know about that. I have no doubt it is known to some parties.

Q. That is, there are no secret crimes that you know of that you could be prosecuted for and that nobody else could tell of except yourself?—A. Others have been accessories in that. Yes, sir; my record is very clear except the rascality I have been drawn into by Morey.

By the CHAIRMAN :

Q. Do you mean to say that you associated with others in whatever you did of an illegal or criminal character?—A. Yes, sir.

Q. Might not the confessions and statement that you make in this investigation be

employed against you in your trial, if you had one in Louisiana?—A. I have no question but that they will be.

Q. And will not the fact that you have been a witness before this committee be a motive for the officers there to do now what hitherto they have failed to do, namely, to prosecute you and bring you to trial?—A. They will do so.

By Mr. CONGER:

Q. Have you given this committee any information except information that is already in the hands of other parties in Louisiana?—A. All the information other parties have is very secret.

Q. But there are other parties in Louisiana that know of these transactions?—A. Yes, sir; a few that are implicated in them.

Q. The proceedings, so far as the movement of troops is concerned, and the arrest of these parties, is open and public as the day; everybody saw it and knew it; it could not have been otherwise?—A. Yes, sir.

By Mr. BLACKBURN:

Q. In regard to these matters about which you have declined to testify, is there or is there not any one acquainted with those facts except the guilty parties, whether you were one of them or not?—A. No, sir.

Q. Are those facts known to anybody except the perpetrators of the wrong?—A. I don't think any one knows about them except the perpetrators.

Q. You have no reason to believe that they are known to anybody except the perpetrators?—A. No, sir.

Q. You stated just now that if you did testify fully before the committee, and your testimony so given could be given against you, it would tend to your crimination; is it or not the fact that, beyond that, your testimony, if unreservedly given before this committee, even though that testimony could not be used against you for your prosecution, would of necessity furnish such data by way of suggestions as would develop other testimony that would convict you?—A. I would give data, names, and documents that would convict me.

Q. And that without being supplemented by your own testimony?—A. Yes, sir.

By Mr. VANCE:

Q. Would you have been prosecuted if you had not given your testimony or did not propose to give your testimony before this committee?—A. No, sir.

By Mr. REILLY:

Q. When you stated yesterday that you declined to answer certain questions upon the ground that they would criminate you, is the only reason that you declined because your answers alone would be evidence against you?—A. No, sir.

Q. Are you aware that there is an act of Congress which prohibits your evidence so given from being used against you?—A. I am aware of that; but the statute does not cover my case. I would give such data, names of witnesses, and documentary evidence as would convict and criminate myself.

By Mr. DARRALL:

Q. You have stated that you have known of persons being persecuted and being murdered in Louisiana by republican politicians for disclosing facts or making statements; please state whom you have known to be murdered.—A. I don't remember the names. There was a whole list of them in the Bulletin a short time ago. There were at least half a dozen. Bartley is one. I don't remember the names because I don't know the persons.

Q. And you do not know the facts, or whether they were murdered for that or for other reasons?—A. I only know from public conversation.

Q. You know nothing of your own knowledge about the facts?—A. Only what I read in the newspapers.

Q. Did you ever prepare a statement of the facts in regard to the signing of these fraudulent pay-rolls, and submit it to any one, either in New York or New Orleans?—A. I had a written statement that touched upon that subject that Morey purchased from me.

Q. That statement you have submitted to others besides Mr. Morey?—A. Yes, sir; Mr. Morey was implicated in that.

Q. That is one of the papers he purchased from you?—A. Yes, sir; Governor Warmoth had seen it. General Morrow, of the United States Army, saw the whole of the document, and took items from it.

Q. Did that statement cover these points that you have refused to answer?—A. No, sir; it just simply touches upon the fact of fraudulent pay-rolls, and that is all.

By Mr. REILLY:

Q. During the time you were in Louisiana, were you acquainted with the district attorney at New Orleans?—A. Yes, sir.

Q. And with the collector of internal revenue?—A. I was.

Q. Have you any knowledge of any irregularity and malfeasance in either of those offices by either of their incumbents while you were there?—A. I have known of none in the internal revenue department. If you call irregularities such as this, I do, in the district attorney's office, I have arrested mail-robbers, postmasters that had embezzled money, and those that had committed crimes against the postal laws, and they have never been prosecuted.

Q. Were these facts known to the district attorney?—A. Yes, sir; I have urged him to bring indictments against them; one case in particular was that of E. Edwin Smith, a letter-carrier, who had been robbing the mails for a long time. I arrested him, and in his room I found two or three bushels of letters that he had taken from the lamp-boxes that had been placed there for mailing, and letters that he had received from the post-office to deliver in his district. I put a decoy on him containing a thousand-dollar draft, which he presented at the Hibernian National Bank for collection. The evidence was most conclusive against him. He was a colored man, and a relative of Oscar Dunn—I believe he or his wife was—the ex-lieutenant-governor, who is now dead. He was a warm personal friend of Pinchback's, the Senator that contested the seat from Louisiana, and of another colored man, Lewis, and of Antoine, and of all the prominent colored republicans in Louisiana, and they shielded him. I have been to Mr. Beckwith about that case.

Q. Mr. Beckwith was the district attorney?—A. Yes, sir.

Q. Is he the district attorney now?—A. Yes, sir.

Q. When was it?—A. Two years and a half ago; E. Edwin Smith was finally indicted a year and a half ago. The case never came to trial, and there were other cases similar to that.

Q. Just give us the names of them.—A. There was the case I cited yesterday of Lowell, and the assistant postmaster and cashier of New Orleans, where \$17,916.17 was a theft right out, of greenbacks that had come in there, deposited by the different postmasters, besides the fifty-odd thousand dollars I spoke of in the general postal account, stamps, and so forth. I had a list of those parties, but I have not it here; they have not been prosecuted.

Q. Will you furnish it to the committee?—A. Yes, sir.

By Mr. NEW :

Q. Have you any knowledge of any unlawful tampering or interference with the mails or mail-bags while you were in Louisiana?—A. I have.

Q. Have you any knowledge of who the parties were who unlawfully interfered or tampered with the bags?—A. I have, sir.

Q. State whom you refer to, sir.—A. I cannot consistently answer that question without criminating myself.

Q. Do I understand you to say that you cannot give the names of any of the parties?—A. I can give the names of the parties, but the circumstances would criminate myself, and I decline to answer the question.

Q. Would you be willing to state to the committee what you refer to as an unlawful act, and what was done, without stating who did it, or where it was done; would you be willing to state the fact as it occurred, and what act or acts were committed?—A. I can give you but just a general answer to that. I do not feel safe to answer it any other way.

Q. What answer do you propose to give, or are you willing to make?—A. I will say that in 1872, during the campaign, the mails were robbed in North Louisiana in the fifth congressional district, for the purpose of obtaining political information and preventing the communications of the democrats, their private as well as their official correspondence, reaching them.

Q. Do you know of that having occurred only once?—A. It occurred for a period of about a month each day.

Q. This information that you possessed was obtained by you directly or indirectly?—A. Directly.

Q. Would you be willing to state any of the facts that came to your knowledge upon that subject, so that the committee may see whether or not your information is direct or indirect; can you do so without criminating yourself?—A. I do not know as I can without criminating myself, unless you put some question to me.

Q. Can you state how it was done in any given instance—the modes or methods of the work?—A. I cannot answer that question without criminating myself.

By Mr. DARRALL :

Q. State if you showed this exhibit or statement to any other parties than General Morrow or Ex-Governor Warmoth?—A. I do not know what you would call an exhibit. It was simply an allusion to the fact that there were frauds perpetrated by the issuance of these fraudulent pay-rolls.

Q. Did you show that to any other parties than those you have named?—A. Yes, sir.

Q. Who were they?—A. Mr. Pochet, of Saint James Parish.

Q. To any others?—A. To Col. Samuel Hatch, Governor Warmoth, Col. P. S. Johnson, of Louisiana, and Judge Hiram R. Steel, of Louisiana. They have all seen both the statements and Morey's letters, the blank United States warrants, and the documentary evidence.

Q. Do you remember showing it to any one else—the part in regard to the fraudulent pay-rolls?—A. Those are the only ones that have seen it that I can remember.

By Mr. HOSKINS:

Q. Was this a sworn statement?—A. No, sir.

By Mr. DARRALL:

Q. That exhibit or that statement that you exhibited to these persons did not contain substantially all the frauds and irregularities you knew of, and which you have refused to testify to here?—A. No, sir; it only gave an outline that there was such a thing. Mr. Morey's contestant, Mr. Spencer, from Louisiana, saw it, and his attorney, Mr. Clinton.

Q. When was that?—A. That was along in the neighborhood of March, April, or May of last year.

Q. Did not this statement that you exhibited to these persons substantially recite all the irregularities and frauds that you have testified to?—A. No, sir; it gave an outline of them. That is all.

Q. Was the statement of any length?—A. Of considerable length; yes, sir.

Q. How many pages?—A. Seventy-five pages of legal cap.

Q. Was that sufficient only for an outline?—A. Yes, sir; it enumerated all the telegrams to Packard and Emory, and letters to them, and to Kellogg, and the illegal use of troops in Louisiana. Those of themselves took up a great many pages of legal cap.

Q. Did it cover all the evidence you had given in regard to the pay-rolls, and tampering with the United States mails?—A. No, sir; it did not begin to. It simply gave an outline that such a thing was done.

By Mr. REILLY:

Q. Where is that statement now?—A. I have it.

By Mr. HOSKINS:

Q. Does this statement contain the names of any parties that were engaged either in making up these fraudulent pay-rolls or receiving any benefit from them directly or indirectly?—A. It states their names; it states Mr. Morey's name.

Q. Does it state any other name that was interested?—A. No, sir; I don't believe it does. I do not remember that it does.

Q. It don't give the name of any other person that was interested in or knew anything about the making up of these pay-rolls?—A. It mentions the fact that other parties were cognizant of it.

Q. Does it give the names of other parties that knew about it?—A. No, sir.

Q. No other person's name is given that knows about it, except Mr. Morey?—A. I am not positive, but I think that is the case.

By Mr. CONGER:

Q. Who prepared this statement of seventy-five pages that you allude to?—A. I prepared part of it and Mr. Jewett prepared part of it.

Q. Did Mr. Jewett see the whole?—A. Yes, sir; I omitted his name. You can put his name along with the others. Mr. Jewett saw the whole of it, and also prepared it.

Q. Who has it now?—A. General Morey has the originals, and he has the statement. I have a rough copy that was made from it.

Q. Have you got the rough copy with you?—A. I have got the rough copy.

Q. Can you present that to the committee?—A. I cannot, sir, without criminating myself.

Q. Will it criminate you to present that copy, merely?—A. As the thing now stands, it would.

Q. Then it would criminate you for General Morey to present the original?—A. I do not know whether it would or not. That is a matter for lawyers to state.

Q. If the copy would criminate you, the original produced would have the same effect?—A. I do not know whether it would or not. I do not know how that would be.

By the CHAIRMAN:

Q. If the original, or the copy, would criminate you, would it criminate also Mr. Morey?—A. Undoubtedly.

Q. So that you have no fear of his producing it?—A. Not much; no, sir.

By Mr. CONGER:

Q. Did you make more than one copy of it?—A. I made one copy that I know of.

Q. Have you got a perfect copy of it?—A. I could make it perfect by going over it myself. It is very rough to anybody but myself.

By Mr. NEW :

Q. What do you mean by rough ?—A. It is very roughly written.

By Mr. REILLY :

Q. Is it a verbatim copy ?—A. It is a verbatim copy, but it is very badly written.

By the CHAIRMAN :

Q. What is the thing of which it is a copy ?—A. It is the copy of the original documents that Mr. Morey got from me implicating himself in the arrest of prominent citizens of North Louisiana, the cutting of the telegraph-wires in North Louisiana, and the robbery of the United States mail during the period I speak of. One original document would criminate him without anything else, if it was produced.

By Mr. HOSKINS :

Q. All of that is in the statement which you gave to Morey ?—A. Yes, sir ; he has the original.

Q. He has the original paper that was first made up ?—A. I do not know whether he has ; he purchased them.

Q. The ones he purchased were original papers ?—A. Yes, sir.

Q. Morey purchased from you the original paper that was made up by you and Jewett ?—A. Yes, sir.

Q. And the matters that would be developed by that would criminate Morey ?—A. Undoubtedly.

Q. And that original statement was in your hands before you let Morey have it ?—A. Yes, sir.

Q. And that statement has been shown in all of its detail to these several gentlemen which you have named, to wit, Warmoth and Morrow, and read by them ?—A. Yes, sir ; that is, details of it ; the statement gives a detail of certain facts. It does not give the full detail, but it just simply alludes to the facts.

Q. It gives the account of the mail robberies ?—A. Yes, sir.

Q. And of the fraudulent vouchers ?—A. Yes, sir.

By Mr. NEW :

Q. Do I understand you to say that the statement contains a statement of the facts as they existed connected with the getting up of those fraudulent pay-rolls ?—A. No, sir ; it does not state the whole facts.

Q. So far as that transaction or occurrence is concerned, it is only an outline ?—A. Yes, sir.

Q. Is that also true in regard to the mail robberies you spoke about ?—A. Yes, sir ; it is merely an outline.

By Mr. HOSKINS :

Q. What do you mean by the outline ; does it tell where these mails were robbed ?—A. Yes, sir.

Q. Does it tell by whom they were robbed ?—A. No, sir.

Q. Does it give the names of any parties that were engaged in the robbing of the mails ?—A. It does ; one.

Q. Does it tell when they were robbed ?—A. Yes, sir ; during the campaign of 1872.

Q. The statement, then, tells when the mails were robbed, where the mails were robbed, and a portion of the parties that were engaged in the robbery ?—A. Yes, sir.

Q. Does it give the names of more than one person that was engaged in the robbery ?—A. No, sir ; that is all.

Q. In relation to the fraudulent vouchers, does it give the names of the parties who were engaged in making up these fraudulent vouchers ?—A. It gives the name of one party, and refers to two witnesses, or two accomplices.

Q. It gives the name outside of the witnesses ?—A. It refers to two other parties.

Q. Beside the witnesses ?—A. No, sir ; beside the party.

Q. You mean the other parties besides the principal who was engaged in it ?—A. No, sir ; it does not give the names. It alludes to other parties.

Q. Are there any names mentioned in that statement as having been engaged in the mail robbery ?—A. Yes, sir ; Mr. Morey's name is mentioned.

Q. As having been implicated in these fraudulent pay-rolls ? Is Mr. Morey's name the only name mentioned in that statement ?—A. It is the only name that appears.

By Mr. CONGER :

Q. You mean it is the only name that appears in the whole statement ?—A. No, sir ; only in reference to that.

Q. You say you have a rough copy of that statement ?—A. Yes, sir.

Q. Has any other copy been prepared ?—A. Not to my knowledge.

Q. Think again about that.—A. Not by me ; no, sir.

Q. Haven't you sent a copy of that, a year ago, to some person by mail ?—A. I said that is the only copy that I had—the copy that Mr. Morey has got.

Q. Mr. Morey has the original?—A. I do not know whether you would call that the original. I sent him a statement, an abstract of the whole thing, a year ago.

By Mr. HOSKINS:

Q. That was the original paper made up by you and Jewett?—A. Yes, sir; but, besides that, I sent him an abstract.

By Mr. CONGER:

Q. Wasn't it a copy?—A. It was an abstract; it was not a copy.

Q. When did you send that?—A. A year ago, or more.

Q. Did you send it June of last year?—A. Yes, sir.

Q. By mail?—A. By mail.

Q. Where from?—A. New Orleans.

Q. Where to?—A. I forget whether it was Washington, or whether he was out West, or where. I think, though, it was to Washington.

By the CHAIRMAN:

Q. How came you to prepare that statement?—A. There were several reasons for it I had been indicted in North Louisiana for crimes that others should have been indicted for, and those indictments were being held over my head. I had got into trouble in North Louisiana for making these arrests. The republican party, and Mr. Morey in particular, had deserted me when I was in jail. I was arrested for contempt of court. I was put in jail with Lieutenant Hodgson. We were there for ten days, although he pretended he was doing what he could for us. I did not know what might turn up, and was holding these over him as evidence against him to show up his connection with these crimes in Louisiana, and for my protection only.

Q. Did you draw up this paper alone or did you have a person to assist you, Jewett or anybody else?—A. I was lying on my back from a gun-shot wound, in New Orleans, for five or six weeks, and had nothing to do, and I put in my loose time in that way. Mr. Jewett came in one day when I was at it, and he thought he would like to take a hand at it, and he and I went over the matter together.

Q. You say, then, that you and Mr. Jewett drew up this document?—A. Yes, sir.

Q. Did anybody else participate in drawing it up?—A. No, sir; not that I remember.

Q. Why did you mention in this document, in connection with these alleged crimes, Mr. Morey's name, while you omitted the names of the other parties to these crimes?—A. For the single fact that he has always tried to make the people in Louisiana think that he had no connection whatever with these illegal arrests, the use of troops, and the issuance of these warrants, &c.

Q. You say of the parties connected with the making up of the pay-rolls and with the robbery of the mails, only Mr. Morey's name was mentioned, but that the other two persons were not mentioned?—A. Yes, sir.

Q. Why was his name mentioned and the other two parties' names not mentioned?—A. The other party implicated in the forgery of the custom-house rolls was not a prominent politician there, and he had not acted the way Mr. Morey had, or tried to throw the odium on anybody else. My position was sacrificed on account of these irregularities. Somebody had to be sacrificed, and I lost my position through it. Mr. Morey had deserted me at that time.

Q. Did Mr. Jewett have anything to do with that part of the document in which Mr. Morey's name was mentioned?—A. Yes, sir; he and I wrote that up together. He knew who the other party was, I presume. I think I told him; I do not know.

By Mr. WILSON:

Q. So that Mr. Jewett knows about this, does he?—A. I think he does.

By Mr. CONGER:

Q. Did he take a copy of this that he helped to make up?—A. I do not know whether he did or not.

Q. You did not notice?—A. I did not.

By the CHAIRMAN:

Q. Where is Mr. Jewett now?—A. The last I heard of him he was in New Orleans, but that is a long while ago.

Q. How long ago?—A. Almost a year.

Q. Do you know whether he has got any public employment, or is holding any public office?—A. He was not at that time, I believe.

Q. Do you know in what part of the country he is now?—A. I do not.

WASHINGTON, D. C., May 17, 1876.

EDGAR SELYE, examination continued.

By Mr. NEW :

Question. State to the committee whether, after the appointment of this committee, and before you left New York to come here as a witness, you had any conversation with any New Orleans Government official other than those you have already detailed ; and, if so, who it was ; if it had reference to the matters that you have testified to here, or any of them, or if it related to your giving testimony here at all.—Answer. I had a conversation with a State official of Louisiana, not a United States Government official.

Q. Had you had any conversation with Casey other than what you have detailed ; and, if you had, state what it was ?—A. Casey and I had several interviews.

Q. If there is anything besides what you have already testified to, state it.—A. Mr. Casey in the last interview I had with him requested me not to say anything about his procuring a position in the custom-house in New York for me, or his giving me \$50 ; he said, "Let that be treated as a loan ;" and he said if I was subpoenaed by the Sergeant-at-Arms, for me to go as easy on him in my testimony as possible ; and that he had never done me any injury. That was several days before I was subpoenaed—I think about Thursday. I was subpoenaed on Sunday ; and he suggested that I should keep away from the custom-house, and Souer insisted upon it.

Q. Tell us what Casey said about it.—A. Casey requested that I keep away from the custom-house, and he would see that my position was obtained when I came back—that is, that I got my position back.

Q. What did he say that constituted a request ?—A. He said, "Keep away from the custom-house, and when you come back from Canada I will see that you get your place back ; but I cannot get you leave of absence so that you can draw pay."

By the CHAIRMAN :

Q. Did you have any conversation with any other State official of the State government of Louisiana besides Souer ?—A. I had a conversation with several gentlemen there, and I had some with Governor Kellogg.

Q. What did Governor Kellogg have to say ?—A. I was in his room one evening—a Sunday evening or Sunday afternoon.

Q. If this conversation related to this investigation or to your appearing before the committee, or was in connection with this matter, I wish you would repeat it.—A. Governor Kellogg had but very little to say ; he simply said that he did not see why in hell Morey did not pay those notes, and that they ought to fix it for me to go away, and he would talk to them about it.

Q. Was anybody present when he said this ?—A. No, sir ; it was in his room at the Fifth Avenue Hotel.

Q. Was Mr. Casey present ?—A. No, sir.

Q. Nobody was present ?—A. No, sir ; nobody.

By Mr. VANCE :

Q. Do you know of any defalcations or irregularities in New Orleans by United States officials, other than those you have testified to, in the custom-house, or in the post-office, or any of the offices ?—A. In 1873, just after Lowell was removed, Ringgold was appointed postmaster. He had been postmaster there but a few months, probably six months, when Special Agent Petheridge was sent there to investigate the office, and a defalcation was found in the neighborhood of from \$10,000 to \$13,000.

By Mr. HOSKINS :

Q. Did you have anything to do with the investigation of it ?—A. No, sir.

Q. All you know about it is from hearsay ?—A. From what I heard from Mr. Petheridge himself, and other officials.

Q. You know nothing about it from your personal investigation ?—A. No, sir.

By Mr. VANCE :

Q. You knew of it by Mr. Petheridge ?—A. Yes, sir ; we had a conversation about it ; he got very angry because I had spoken of it on the street ; they tried to keep it very quiet.

Q. What were the circumstances connected with it ?—A. Mr. Ringgold had drawn a great deal of money from his brother, who was cashier, Harry Ringgold, and when Major Petheridge struck a balance a defalcation was discovered. Petheridge was then chief special agent of the Post-Office Department ; he was, I think, a brother-in-law of Creswell's, or some relation of his.

Q. Is he yet connected with the service ?—A. Yes, sir ; but not, I think, chief special agent ; simply special agent. The amount I am not certain about ; I think it is from \$10,000 to \$13,000. I learned that the officials in the custom-house were assessed to make up the deficit. Mr. Harry Ringgold, the postmaster's brother, was discharged and made an example of. They had to make an example of somebody. A short time

afterward he was put in the custom-house, where he is now, as a clerk. There was nothing made public about it; it was kept out of the papers, and Mr. Petheridge made a report; I can give the date if you would like it.

Q. Did Mr. Petheridge make a report to the Department at Washington?—A. Undoubtedly he had to; he was sent there for no other purpose but to investigate that office; that office and the office at Mobile.

Q. Is Mr. Ringgold, the postmaster, still in office?—A. No, sir.

Mr. DARRALL. He is assistant appraiser, now, in New Orleans.

By Mr. VANCE:

Q. How long did Ringgold remain in office after this discrepancy was discovered?—

A. Six or eight months; probably more; longer, probably.

By Mr. DARRALL:

Q. Was the irregularity compromised or paid?—A. I understood it was paid in full; the amount of the defalcation was paid.

By Mr. HOSKINS:

Q. You say you understood it was assessed upon the officials there; do you know anything about that of your own personal knowledge?—A. I know it from general conversation with everybody there. I did not see any of it paid.

By Mr. DARRALL:

Q. Was any of it assessed on you?—A. No, sir.

By Mr. VANCE:

Q. You were not connected then with the custom-house?—A. No, sir; I was with the post-office.

By Mr. REILLY:

Q. Did you hear it from persons who said they were assessed?—A. No, sir.

By Mr. HOSKINS:

Q. Why was a post-office defalcation assessed on custom-house officers?—A. That I could not tell you.

Q. You say, then, in order to make good a post-office defalcation, or whatever it was, it was assessed on the custom-house officers?—A. That was what I said; that was the rumor.

By Mr. REILLY:

Q. You said, in reply to some questions I asked you yesterday, that you would furnish the committee with a list of the defalcations that had been brought to the knowledge of the district attorney; have you got it with you?—A. I have a partial list, so far as I can remember. There is C. W. Lowell, postmaster at New Orleans; Thomas F. Monroe, assistant postmaster at New Orleans; J. B. Douglas, cashier at New Orleans; E. Edwin Smith, letter-carrier at New Orleans; Henry R. McVay, letter-carrier at New Orleans; Theodore Beck, postmaster at Fort Jesup, La.; E. A. Biossat, assistant postmaster at Alexandria, La.; and W. Mills, postmaster at Alexandria, La. These parties were all arrested, and against six of them indictments have been found. The other two have not been indicted, to the best of my knowledge. None of them have been prosecuted, although I have urged the same before Mr. Beck with many times, especially in the case of Smith and Mills, and Biossat and Beck. All robbed the mails a great many times, and conclusive evidence was in my possession at that time against them. These others were for embezzlement. By the way, the postmaster and assistant postmaster at Alexandria were also arrested for embezzlement of money-order funds.

Q. You say that is only a partial list; can you furnish the additional names?—A. I can, by going over my diary; but it will take me some little time to hunt it up. It takes in a scope of from June, 1872, to 1875.

By Mr. HOSKINS:

Q. Did you arrest all of these parties you have named?—A. I arrested them all myself. The first three names, the postmaster, assistant postmaster, and cashier of New Orleans were arrested by Hayes and myself jointly. The others were arrested by myself alone.

Q. Who made the complaints upon which the warrants were issued?—A. I did; upon evidence found upon the person of a great many of them.

Q. Did you make the complaint in those three cases where you say you did not arrest them?—A. I did not say I did not arrest them; I arrested them with Hayes.

Q. You made the complaints in all the cases?—A. I did. In the New Orleans case I made the affidavit.

Q. Who issued the warrants?—A. William Grant, United States commissioner at New Orleans.

Q. Did he issue them all?—A. He did in most of the cases.

Q. When was this?—A. It took in a scope of from June, 1872, up to 1875. I could give you the dates by going over my diaries.

Q. They were arrested, and examined, and held, and not tried?—A. Yes, sir; held in bonds; they gave bonds.

Q. They were indicted, were they?—A. They were indicted, some of them, after they had been arrested most two years.

Q. Was the examination followed up by an indictment?—A. After they had all been arrested for a long time it was.

Q. Have they been indicted since they were arrested?—A. Yes, sir.

Q. All of them?—A. Yes, sir.

Q. And the indictments are still pending?—A. Yes, sir; they are still pending to the best of my knowledge. I do not know that; they may have by limitation expired; I presume that is the case; I have forgotten now.

By Mr. DARRALL:

Q. In this Ringgold defalcation who was directly implicated?—A. They tried to lay it to the cashier, Mr. Ringgold's brother; but upon investigation they found that Mr. Ringgold, the postmaster, had himself overdrawn his account a great many hundred dollars, and that the cashier had drawn a good deal.

Q. Is it to your knowledge that the Government was paid in full for the amount that was taken?—A. I do not know about that; but I have heard that it had been paid. The matter was kept very quiet; it was not in the papers; the whole thing was very privately done.

Q. Did Mr. Ringgold, the cashier, remain in office afterward?—A. Mr. Ringgold was dismissed.

Q. Did the postmaster remain in office?—A. He did.

Q. For what length of time?—A. Until Mr. Parker was commissioned.

Q. That is, for a year or more after that he remained in office?—A. It was in the neighborhood of from six months to a year.

By Mr. REILLY:

Q. Have you any knowledge of any other wrongs in the custom-house other than those you have testified to?—A. None other than what I have partly testified to. I have in relation to postmasters, but not in New Orleans.

By Mr. WILSON:

Q. You have said that Mr. Casey suggested that you keep away and that Souer insisted upon your keeping away. Was Mr. Casey and Mr. Souer both present at the time, one doing the suggesting and one doing the insisting that you have spoken of?—A. They were present at the time some of the conversation occurred; first Mr. Casey would go out of the room and Souer would talk to me; and then Souer would go out and Casey come back. They did that four or five times.

Q. At the time that Mr. Casey suggested that you keep away, was Mr. Souer present?—A. No, sir.

Q. At the time that Mr. Souer insisted upon your going away, or keeping away was Mr. Casey present?—A. No, sir.

Q. So that these conversations that you have referred to, between yourself and Casey in one instance, and between yourself and Souer in the other instance, were without anybody else being present. Is that the fact?—A. That is the fact, but not entirely. We had a conversation when Mr. Souer was present, when we were talking about the money-matters of going away; but when Mr. Casey told me not to go to the custom-house, Mr. Casey and I were in the room together, and Mr. Souer was in the hall; and then Casey went out and Souer came in.

Q. But when you talked about money-matters, Souer and Casey were both present there?—A. Yes, sir.

Q. And they both heard all that occurred on that occasion?—A. Yes, sir, they did; but not all that occurred—not all the conversation that occurred between Casey and myself.

Q. But all in regard to money-matters?—A. Souer was not present all the time; he heard part of it only.

Q. What part of the conversation in regard to money-matters that you had with Casey was Souer present at?—A. He was there when he said, in talking about Morey, that he ought to pay the three notes, and he was there that time when the amount I wanted to go away with was spoken of, and he said, in the presence of Mr. Souer, "Souer will attend to the money part of it; I will attend to the getting your place when you come back."

Q. That was in the presence of Souer?—A. That was in the presence of Souer, to the best of my knowledge and recollection.

Q. Now, in reference to the conversation about money-matters that you had with Mr. Souer, was Casey present?—A. No, sir; not all the time; he was present there when I had some conversation.

Q. What conversation occurred with Souer in regard to money-matters when Casey was present?—A. The conversation I have just told you.

Q. Any other?—A. I do not recollect just now.

Q. Have you now named all the conversation that occurred between you and either of these parties when the other was present?—A. All that occurs to my mind just now.

Q. Think over it, and state anything more you can remember.—A. We had a number of conversations. This negotiation went on for three days about—three or four days. I was first at the Fifth Avenue Hotel with Souer, and then I was down at the Astor House with Casey and Souer, and then with Casey alone, and then with Casey and Souer; and afterward at the Fifth Avenue Hotel with Souer alone.

Q. Cannot you fix any definite conversation that you had with either of these persons, when the other was present, as to money-matters?—A. Yes; Casey and Souer were present when Souer referred to the dispatch of Morey to Souer, asking him to see Casey and get me a leave of absence, so that I might not be subpoenaed; and Casey said Morey ought not to have mentioned his name in that way publicly.

Q. His dispatch was a part of the conversation about the money-matters?—A. Casey said that Souer would attend to it; and Souer said, "Well, I will telegraph Morey again and see if I can get the \$500, and get him to pay \$300;" but he said, "I do not think I can get him to pay the three notes and pay the \$500." Casey further said, in the presence of Souer, that Morey ought not to push this matter on Kellogg and on him and make them pay the money; that Morey had got himself into this trouble and now he ought to get out of it, and not draw Mr. Kellogg and himself into it.

Q. You have declined to testify as to pay-rolls, and as to mail-robberies that you say have been committed, lest you might criminate yourself. I will ask you whether there were any other criminal offenses which you have been guilty of?—A. I decline to answer.

Q. Why do you decline to answer?—A. Because, while my answer would involve others, criminally, I might criminate myself.

Q. What kind of offenses are these with reference to which you think you might criminate yourself?—A. I decline to answer that question.

Q. How many such offenses are there with reference to which you feel you might criminate yourself?—A. That I decline to answer.

Q. When did you go to New York from New Orleans?—A. I left New Orleans on the 3d of July, 1875.

Q. And from there where did you go?—A. Washington.

Q. How long did you remain in Washington?—A. A couple of days, or one day.

Q. Where did you go from there?—A. New York.

Q. Have you been in New York since?—A. I have.

Q. You have read a great many letters here from Mr. Morey, from which it seems that he was trying to secure for you employment in some way or other; what have you been doing in New York since you went there at the time you have already indicated?—A. The month of July I was carried on the pay-rolls of the New Orleans custom-house.

Q. You went away from there with a month's leave of absence?—A. Yes, sir; the month of August I was carried on the rolls of the New Orleans custom-house.

Q. What have you been doing since then?—A. I have been attending to private matters.

Q. What kind of private matters have you been engaged in?—A. Making collections for parties, and so forth.

Q. For whom have you made collections?—A. For Dr. Pallan.

Q. Can you name anybody else?—A. That is about the substance of it.

Q. To what extent did you make collections for him?—A. I decline to answer.

Q. Why do you decline to answer?—A. I do not intend to tell my private business; I do not see that it has reference to this case at all. I have no other reason than that you have no right to inquire into my private business.

Q. Where did you live during this time in New York?—A. On Broadway.

Q. With whom did you live?—A. Alone.

Q. Were you living in a boarding-house?—A. I have not been living in one place all the time; I was living in a boarding-house part of the time.

Q. What was your number on Broadway?—A. 927; that is not a boarding-house, however. I was living at the corner of Seventeenth street and Fifth avenue, which was a boarding-house.

Q. You spoke in your examination-in-chief about a statement that you had prepared, and which you declined to produce, upon the ground that the statement would criminate you; did I so understand you?—A. It might, and it might not.

Q. Is that the ground upon which you decline to produce that statement?—A. I say it might, or it might not criminate me.

Q. Is that the ground upon which you decline to produce it?—A. That is the ground at present: yes, sir.

Q. Does Mr. Jewett know what that statement contains?—A. I think he does; yes, sir.

Q. Mr. Warmoth knows what it contains?—A. He does, sir.

Q. Give me the names of other persons who know what that statement contains.—A. Mr. Porche, of Saint James Parish, Mr. Spencer, the contestant for Morey's seat, and his attorney, Mr. Clinton.

Q. You showed it to both of them?—A. Yes; and to Hiram R. Steele, of Louisiana, and T. S. Johnson, of Louisiana, and that is about all that I remember now.

Q. You showed it to many persons?—A. I did.

Q. Did you try to sell it to Mr. Morey's contestant?—A. No, sir.

Q. Or to his attorney?—A. No, sir.

Q. Have you shown it to any one in this city?—A. I have shown it to Governor Warmoth; he is here.

Q. To any one else?—A. I do not know who else is here of the parties whom I have shown it to.

Q. Do you know any one else in the city to whom you have shown it?—A. Not that I remember now; if they are in the city I do not know it.

Q. Reflect a little, and try to think of some one you have shown it to in this city.—A. I do not remember now.

Q. Have you shown it to any one since you came to the city to testify?—A. I read over a portion of the statement to others, but I have not shown it. I have had it myself, and shown part of it to General Gibson and Judge New, if that is what you mean; they did not handle the statement.

By Mr. NEW:

Q. I will ask you if at the time I did not tell you you ought to produce it?—A. You wanted me to produce it, and I declined to do so.

By Mr. WILSON:

Q. What other persons have you shown it to since you came to this city?—A. I have not shown it to any one; I read a portion of it to Governor Warmoth.

Q. Is that since you came here?—A. Yes, sir.

Q. To what other person have you shown it or read it since you came to this city?—A. I read a portion to Colonel Ellis.

Q. What portions did you read to these different parties?—A. I do not remember now.

Q. Did you read those portions that had reference to these mail-robberies and fraudulent pay-rolls?—A. Not particularly any portion that I know of, but whatever came in my mind. I did not go over the whole thing. I went over it in detail.

Q. Did not you read the portions that you did read for the purpose of showing to those parties that these enormities or crimes had been committed in Louisiana?—A. Undoubtedly that was the impression I wanted to make upon Mr. Thatcher's mind when I showed it months ago—years ago; the rascality of Morey that he tried to put upon me, and screen himself in the newspapers and before the public.

Q. Mr. Morey was the man you were after all the while?—A. Mr. Morey, who had tried to get me in the penitentiary and screen himself; he was the one implicated in all these rascalities.

Q. He is the man you were after during all this time?—A. Yes, sir.

Q. You prepared this statement especially with reference to Mr. Morey?—A. I did, and for my own protection.

Q. You prepared it about a year ago?—A. Pretty near a year ago.

Q. Then you sent that to him; did you not?—A. No, sir; I sent him an abstract of it.

Q. Did you send a letter along with it?—A. I did,

Q. Did you suggest to Mr. Morey that you were going to publish it in pamphlet form?—A. I did.

Q. Have you since been using it for the purpose of getting money out of Mr. Morey?—A. No, sir.

Q. Have you not?—A. No, sir.

Q. Have you never made use of it for that purpose?—A. No, sir.

Q. Nor any of these documents?—A. No, sir.

Q. Under no circumstances?—A. No, sir.

Q. Or at any time?—A. No, sir.

Q. You say Mr. Morey entered into a contract with you in October last; what was that contract for?—A. He wanted to suppress these matters and to buy them up. He came to me; I did not go to him.

Q. Had you written him any letter suggesting that you were going to use them on him?—A. No, sir; I did not, that I remember, at the time that he came to me.

Q. Prior to that time you had not written any letter to him?—A. Not that I remember.

Q. Did you send him any dispatches on that subject?—A. I do not remember now. I have sent him dispatches; I do not remember now what they were.

Q. Did not you send him dispatches with reference to this very matter, and threatening him that you would publish these things unless he came down with money?—

A. No, sir; no threatening dispatches. I had referred him to his contract in the dispatches, to the best that I remember now—the contract that he had broken.

Q. I am talking about the time prior to the execution of this contract. Had not you sent him dispatches before that time?—A. I do not remember; it is a good while ago.

Q. You seem to have a pretty lively memory, however.—A. I have, about some things.

Q. But these little matters you did not charge your mind with?—A. I do not remember just now.

Q. Did you keep any memoranda of the dispatches that you sent to Mr. Morey?—A. Some I have got, and some I have not.

Q. What ones were they that you did not keep?—A. I do not remember now.

Q. You entered into a contract with Mr. Morey in October, and it was agreed that these papers should be placed in the custody of a certain party. Name that party.—

A. Mr. George Wiley, of New York.

Q. They were to remain there until the latter part of 1876, were they not?—A. No, sir; not unless he complied with his contract.

Q. State when you made the copies of these papers that you have spoken of?—A. I had a rough copy of the statement I had drawn up.

Q. But I am not talking about that statement.—A. I had a rough copy of the statement, and after Mr. Morey had broken his contract, I made copies then of his letters and the dispatches and other documentary evidence which implicated him in the robbery of the United States mails, and the cutting of telegraph-wires, and the illegal arrests of prominent democrats in North Louisiana.

Q. When did you make those copies?—A. After the contract had been broken by him.

Q. Cannot you tell the month?—A. It was along in December; and I presume that the papers had not been withdrawn for a month or two after the contract had been broken.

Q. Withdrawn from where?—A. From Mr. Wiley.

Q. How long did you permit the papers to remain in Mr. Wiley's hands?—A. About a month or two.

Q. How long after you withdrew them did you make these copies?—A. I say just a short time after I withdrew them.

Q. What consideration was there for the money which Mr. Morey was to pay to you? Was the money which you were to procure, by virtue of that contract?—A. The formal agreement was that I should leave in the possession of Mr. Wiley those papers if he complied with that agreement.

Q. The agreement speaks for itself; you were to get money, were you not?—A. I was to get a position, not money; and in the event that he failed to get me that position, then I was to receive the equivalent of that position, which was \$120 a month until he procured the position.

Q. You were to get money, then, if he did not get you a position?—A. If he did not get a position for me I was to receive the salary of that position.

Q. Who was to pay it?—A. Mr. Morey.

Q. For what?—A. He wanted to suppress this documentary evidence against him.

Q. So that you were using that for the purpose of getting money out of Mr. Morey?—A. No, sir; it was his own suggestion; he came to see me; I did not ask him to come to see me.

Q. You did not telegraph to him?—A. I do not remember what I telegraphed to him.

Q. Do you say you did not telegraph to him?—A. I do not say I did not; we have had a great deal of correspondence together.

Q. There was no other consideration for the money that you were to get from him, other than simply the delivery to him of these papers?—A. That was all I know of.

Q. Afterward these notes were executed?—A. Yes, sir.

Q. Did you consider Mr. Morey under any legal obligation to pay you these notes?—A. I thought if he had manhood enough to place his name to a note, he would meet the obligation.

Q. Did you think he was under any legal obligation to pay you those amounts?—A. That is a question for a lawyer to state; I am not a lawyer.

(Question repeated.)—A. He agreed to do a certain thing, and he put his name to a paper to that effect.

Q. And that was for these papers?—A. Yes, sir.

Q. In the mean time you had made copies of them, and had them in your possession?—A. I had; and I held them for my own protection.

Q. Protection against what?—A. The threats that he had made that I was to be prosecuted in Louisiana if I made them public.

Q. When did he make those threats?—A. He made them on the 3d of January, at the Fifth Avenue Hotel.

Q. You had made a copy before that?—A. I had made the whole thing up.

Q. Before that time?—A. Before that time.

Q. So that you had made up these copies for your own protection against threats which he had never made until after copies were made?—A. I had been threatened before with the same indictments; the indictments had been made against me, and Mr. Morey had taken no steps to get me out of the trouble I had got into through him, and I held these papers over him to show his dealing there in Louisiana.

Q. Have you had any correspondence with parties in this city, other than Morey, with reference to your coming here to testify; and, if so, with whom, and when did the correspondence occur?—A. I do not remember any other correspondence.

Q. Had you any correspondence with any person with reference to your coming here to testify prior to the time you say you had these conversations with Mr. Casey and Mr. Souer in New York?—A. No, sir; not that I remember.

Q. No correspondence at all?—A. None that I remember.

Q. Did you write any letters to any one here?—A. I do not remember; I think not.

Q. At the time that you had these conversations that you have spoken of with Souer in New York, I understood you to say that you had asked \$800, that is, the payment of the notes, and the payment of so much money, and then you would go to Canada. Is that correct?—A. Mr. Souer wanted me to go to Canada, and I told him that I could not go there, and he asked me how much I wanted to go there. I told him Mr. Morey had not paid his three notes. If those notes were paid, and he gave me \$500, I would go, if they were so anxious to have me out of the way.

Q. Did not you propose to them to give you \$800, and you would go to Canada?—A. No, sir; not until Mr. Souer approached me.

Q. Did not that proposition come from you originally?—A. No, sir; I showed in evidence yesterday a note from Mr. Souer, where he said he was anxious to see me at the Fifth Avenue Hotel. I saw Mr. Souer. He broached the subject first, and he told me in the first conversation we had, "I have got a telegram that there is a subpoena on the way to you, and you want to go to Canada; you ought not to be here now," or words to that effect.

Q. Did not you, when you met Souer in New York, tell him, after you had first proposed to take \$800 and go to Canada, that now you must have \$1,500; that you must have more; that the other side was willing to pay you \$1,500, or that which was equivalent?—A. Emphatically I answer no to that question.

Q. Did not you say that you were offered a place in the city-hall if you would come here and testify?—A. I do not remember any such conversation.

Q. Do you say you did not have any such conversation?—A. I do not remember any such conversation.

Q. Do you say that you did not have such a conversation in which you stated that if you came here to testify you were to have a situation in the city-hall?—A. I do not know whether I said that or not; I might have said it; I do not remember saying anything of the kind.

Q. Let me refresh your recollection a little further. When you were sitting with Mr. Souer, in New York, were you not trying to get him to give you money, and did not you jump up two or three times, run to the telegraph-table and say, "I will send a dispatch to Washington," and then come back and renew your overtures to him for money?—A. No, sir; I did not do anything of the kind. I remember precisely what you are driving at, and I will tell the conversation as it occurred. As we passed the telegraph-office, Mr. Souer told me that he had telegraphed Morey that evening to comply with his idea of paying this \$500, and that he would get a dispatch by to-morrow morning. Said he, "Do not you go to the custom-house; you keep away from there." I told him I would not do it; I had a position there; if I staid away there would be cause for my removal. If I went there, and I was subpoenaed, they had no reason for not giving my position to me when I came back. He said, "If you do that, all right; I will have no more to do with it." I said, "Very well," and he said, "I will telegraph Morey that I will have nothing more to do with it," or words to that effect. "Well," I said, "you can do as you please about that; and I will telegraph the committee where to find me. I have been around here two or three days, and I have not seen the Sergeant-at-Arms, and I will telegraph to them where to find me." I remember exactly the conversation. We were passing through the ladies' entrance downstairs, and through the reading-room, where the telegraph-office is, and it was as we passed the telegraph-office that this conversation took place; and he sent no dispatch, and I did not.

Q. Did not you say to him, at that time, that if he did not comply with your demands you would telegraph to Washington?—A. I emphatically say I did not say so, or anything of that sort.

Q. Did not you, while you were sitting in the Fifth Avenue Hotel, get up once or twice and go to the telegraph-table, giving him to understand that you were going to

telegraph to Washington?—A. No, sir; the only time the telegraph was mentioned by him or me in reference to this matter was when, as I tell you, we were passing the telegraph-office, and at no other time.

Q. Has anything been offered you to come here and testify before this committee?—A. No, sir; on the contrary, I expect to lose my position in the custom-house for the testimony I give.

Q. Nothing has been offered to you?—A. No, sir; not the offer of a penny. I have nothing to gain, but everything to lose, which is my position in the custom-house.

Q. Nothing of any kind has been offered you?—A. No, sir; no inducement whatever by anybody—neither by democrats nor republicans.

Q. Have you ever stated that anything had been offered to you to come here and testify?—A. No, sir; I do not remember it, for I have never been induced, that I remember—that is, to come before this committee.

Q. Had you communicated with any person in the city of Washington before you came here in regard to your testimony before this committee?—A. No sir; not that I remember.

Q. Do you say you did not?—A. You mean since I have been subpoenaed?

Q. At any time since this committee was organized?—A. No, sir.

Q. Or before the committee was organized?—A. No, sir.

Q. Have you not?—A. I do not remember it. The only correspondent that I had here is Morey.

Q. Have you had any meetings with any persons in this city outside of the committee?—A. No, sir; I have not—no meetings. I have had general conversations with parties.

Q. With whom have you been conversing?—A. The parties that I have mentioned; that is all.

Q. What parties do you mean?—A. Judge New.

Q. I mean excluding members of the committee?—A. A great many people have spoken to me on the subject. Everybody is talking about it,—general conversation, nothing in particular, though.

Q. Have you submitted any statement to any persons other than the statement that has heretofore been spoken of as having been made up a year ago?—A. No, sir.

Q. You presented a paper here before the committee?—A. I have no other statement to submit; I have made no other statement but that one.

Q. You presented a paper here to the committee in which you asked for immunity; who drew that paper?—A. I decline to answer that.

Q. For what reason?—A. It is a private matter. I do not know as it affects Mr. Morey at all.

Q. State the time that you were commissioned as special agent of the Post-Office Department—A. The nearest I can remember, it was the 18th of June, 1872.

Q. How long did you continue to hold that place?—A. Up to the 1st of January, 1875.

Q. Have you been exercising, or assuming to exercise, any of the duties of that place since your commission expired?—A. Not at all.

Q. Have you attempted to obtain any rights or privileges since your commission expired, by virtue of your assuming that you were still a special agent?—A. No, sir.

Q. Have you made application for railroad-passes anywhere?—A. I know what you are getting at. The early part of 1875 I had annual passes over most of the roads in the United States, and whenever an application was made by me for a trip-pass, I was never refused it. I was going North, I believe, at that time, and I made application to one or two of these same roads that had extended the same courtesy to me before, and I made it on the blank of the office. I had no other paper, and it happened to be the post-office heading, and that is what you refer to.

Q. You availed yourself of that to get railroad passes?—A. I never signed myself as special agent; I did not sign myself officially at all.

Q. How many of those applications did you make?—A. I had annual passes over the road.

Q. I want to know what you did, not what you had.—A. It was simply to fill up the gap between the roads over which I had annual passes. I had annual passes up to Louisville, and then I believe there was a short gap, and I asked for a pass for the short gap, and then I had another pass taking me to Pittsburgh, and then I asked for a pass for the gap between there and another point. Probably I asked for two or three passes.

Q. On what roads?—A. I do not remember.

Q. Did you ever make any application to the Baltimore and Ohio Railroad for passes?—A. If that was the part that I had not the annual passes over—the gap—I certainly did.

Q. Where were you when you made these applications?—A. In New Orleans.

Q. You made these applications in New Orleans?—A. Yes, sir; the best I remember. I had no other paper; and I remember there was an article about it in one of the democratic papers; somebody put it in about it; they noticed my name as having

asked for a pass. They knew that I had taken a conspicuous part in Morey's district, in making these arrests, and they gave me a racket on that account. The article was shown me by a gentleman after I got up North.

Q. You said in your examination that Mr. Ayer had tried to intimidate you against your testifying, last Saturday on the President's grounds?—A. Yes, sir.

Q. Please repeat what Mr. Ayer said.—A. I consider it intimidation, when a man came up to me and asked me why I went back on the republican party, and said, "If you do not look out you will find yourself in the penitentiary."

Q. That is what he said?—A. That is what he said. He said, furthermore, "What have you got against Packard?" I said, "I have nothing against Packard. I do not know what questions they have got for me. If it touches Mr. Packard or anybody else, I shall tell the truth, and the whole truth, and I do not care who it hits."

Q. Did not you meet Mr. Ayer on the President's grounds, and, in a familiar conversation that sprung up between you, did not he ask you what you were going to do with Morey? and did not you reply to him you were going to "put the damned son-of-a-bitch in the penitentiary;" and did not Mr. Ayer say to you, that "you had better be careful, lest you might get there yourself?"—A. I remember the conversation. I made the remark that he ought to have been in the penitentiary four or five or six years ago. I say that I do not remember the "son-of-a-bitch" part. That he may have added to it to give a little force to my remark.

Q. You say that you and Mr. Hayes made the examination of this post-office in New Orleans?—A. We did, sir, with the assistance, at one time, of Mr. Petheridge and Special Agent Owens. They went away afterward. The most of the investigation was with Hayes and myself.

Q. Did you and Mr. Hayes take possession of things down there in that post-office?—A. After Lowell was arrested, yes, sir.

Q. Was he arrested before you made your examination?—A. No; he was still postmaster until he was arrested.

Q. You made an examination there, did you?—A. Hayes and myself made an examination.

Q. Did you take possession of the post-office before he was arrested?—A. I do not exactly think we took possession of it. He was still postmaster until he was arrested.

Q. What did you do? What did you take in your charge when you made that examination?—A. Hayes and myself examined the records of the office, and so forth.

Q. Did you take charge of the money that was on hand?—A. No, sir; not until it was turned over to us, and Hayes gave receipts for it.

Q. And the stamps?—A. Mr. Lowell's assistant postmaster had charge of all his stamps and money, and handed it over to us as fast as he could count it and we could count it. I gave him receipts for it.

Q. Did not you get that business in such a shape that it was impossible for the Department to tell what the amount of indebtedness was on the part of Lowell?—A. On the contrary, that office was in such a condition that it was the most difficult thing for us to get the head or tail of it. His books were not written up; there were no records kept that should have been kept, and it was the most demoralized office I had ever examined, and I have examined a good many.

Q. Did you undertake to write up his books?—A. No, sir; not at all.

Q. Did you undertake anything of that kind?—A. No, sir; it would have been an endless job; probably would have kept me at work till to-day.

Q. What is the name of that surety who told you about the money having been raised for the purpose of greasing the wheels and getting this compromise through?—A. J. W. Madden rode on the train, I think, with me while I was coming from Mobile. I met him at that time, and I had had several other conversations with him on that subject, and he told me that each of the bondsmen had been assessed by Mr. Morey in the neighborhood of \$1,000 or \$2,000; and, I think, to the best of my memory, he said he had been assessed the most. Lowell told me also that he had been assessed, and he felt very sore about it.

Q. How much in all had been assessed, according to your understanding of it?—A. You can figure that as well as I can. There were several on the bond; I do not remember now. Mr. Kennedy was on the bond; Mr. New was on the bond, I think.

Q. Do you wish to give this committee the impression that there had been an amount equal to \$20,000 raised for the purpose of effecting this compromise?—A. I mean to give you Mr. Madden's conversation to me. I do not know whether there was any truth in it or not, except what he told me and Mr. Lowell told me. His conversation was corroborated by Mr. Lowell.

Q. I understood you to say that \$20,000 had been raised for the purpose of greasing the wheels.—A. I never said a word about the amount except that each had been assessed from \$1,000 to \$2,000. I never stated the amount, for I do not know now how many were on the bond; I have forgotten the amount. Mr. Lowell told me he was assessed. I said nothing of the kind as to the amount except with Mr. Madden.

Q. So Morey was assessing the defaulter himself for the purpose of getting a com-

promise?—A. That is what they told me. The amount, Mr. Madden said, to use his expression, was used to grease the wheels in Louisiana; and he had asked Mr. Morey how he had used money, and he could not tell; and he felt very sore about it, because he could not show.

By Mr. HOSKINS:

Q. Did you say "to grease the wheels in Louisiana" the other day?—A. I meant in Washington, not in Louisiana. The wheels are very intimately connected between Washington and Louisiana.

By Mr. WILSON:

Q. You are cognizant of the fact that the wheels of Washington and Louisiana are very intimately connected together?—A. Yes, sir; from my official relations with Louisiana and Washington.

Q. You have been giving your official relations between Washington and Louisiana?—A. I have been trying to give it for three days.

Q. That is what you refer to, is it?—A. Yes, sir.

Q. With reference to these papers, at the time you made this arrangement, when Hatch and Wiley were present, did not Morey state at that time that he did not care a snap about these papers, except for the scandal that you could create with them?—

A. I do not remember anything of that kind.

Q. Do you say he did not say it?—A. He came all the way from New Orleans to get them; it must have been of some importance.

Q. I ask you whether he did not state at that time that he did not care a snap for these papers except for the scandal you could create with them?—A. No, sir. I do not remember his saying that; he said they were very damaging to him.

Q. I ask you if he said that.—A. He might have said that.

Q. Did not he say it?—A. He might have said it.

Q. Do not you remember he did say it?—A. He said something of that kind; I do not remember his language; he said a great deal about those papers.

Q. You have spoken in regard to a defalcation of \$198 in the post-office at Monroe, of which Mrs. Dingrave was the postmistress?—A. Yes, sir.

Q. And you said that Morey telegraphed for you to see Judge Ludeling?—A. Yes.

Q. Do you know that Judge Ludeling was on the bond of that postmistress?—A. I do not know.

Q. Did not you hear that there?—A. I never knew it; no.

Q. Was not it mentioned to you that Judge Ludeling was on the bond, and that he ought to be advised about that thing?—A. No, sir; not that I remember.

Q. Did not you know that Judge Ludeling took an interest in that matter, and got that money paid, because he was liable on the bond?—A. No, sir; it was because it was his sister that was postmistress there; that was the reason; and I got a dispatch from Morey for me to see Ludeling at once regarding the Monroe post-office. This is when the defalcation occurred, and Mr. Jolly was to go up there and arrest him that night, and I told Judge Ludeling so.

Q. Judge Ludeling, then, took an interest in the matter, and got this money paid?—A. I do not know whether he got it paid. I presume he did; he said he was going to telegraph to his nephew to send the money down.

Q. The money was paid?—A. The money was paid.

Q. What Mr. Morey did with reference to that was to give information to Judge Ludeling, whose sister was postmistress, that there was a defalcation there?—A. Yes, sir; and to shut up the investigation, and to clear the nephew from being prosecuted for embezzlement.

Q. Was that in Mr. Morey's dispatch to you?—A. It was not in his dispatch.

Q. Where was Mr. Morey at that time?—A. He was here in Washington.

Q. Where were you?—A. I was in New Orleans. I wrote him fully regarding the post-office and what this young man had done; and he wrote me back a letter, which I think I can produce.

Q. Judge Ludeling's connection with it was to get the money paid?—A. It was Mr. Ludeling's connection with that to clear this young man from going to the penitentiary for forgery and embezzlement.

Q. That is all he did?—A. That is all he could do.

Q. So the effect of it was to get the money?—A. The effect of it was to keep the young man from being arrested for embezzlement, which I told Mr. Ludeling he was going to be. Mr. Jolly said he was going to arrest a man, that he had never arrested a man before, and he was going to make capital of it in the Department. Judge Ludeling said to me, "How much money will the young man want to fix this matter?" I said, simply a personal interview with Jolly would fix the matter up. He went with me to see Mr. Jolly, and they talked it over on two different occasions, and the conclusion was that this postmaster was to remit \$198, taking up this forged certificate, which he had forwarded, to represent that amount. That forged certificate Mr. Morey

got among the papers. It was one of the papers that he suppressed. It was one of the papers he bought from me.

Q. Did Judge Ludeling make any propositions to Mr. Jolly, or anybody else, that this man should not be prosecuted?—A. They had their private conversation. I could have listened to it, but I had a good deal of business to attend to, and I went on the other side of the room. I do not know what their conversation was.

Q. Did Judge Ludeling make any proposition to Mr. Jolly, or anybody else, that this young man should not be prosecuted?—A. I do not know whether he made any other proposition to Mr. Jolly. I simply related the conversation he had with me. If that was a proposition, it was a proposition.

Q. Did you carry the information of this matter to Mr. Beckwith, the district attorney?—A. I did not; no, sir.

Q. Did you ever show him this paper that you call a forgery?—A. If I wanted to lose my commission I should have shown this forged certificate to him.

Q. You did not show it to him?—A. No, sir.

Q. How long did you keep it?—A. I think Mr. Morey bought the papers.

Q. How long did you have it?—A. It was the 4th of January he had the papers from me.

Q. When did you get it into your possession?—A. At the time it occurred.

Q. When was that?—A. I think it was in 1874. Without taking up a great deal of time I cannot find it just now, but I can give the exact day by going to my room. I have the telegram and letter of Morey in reference to this matter. I will give you a copy of the telegram and his letter.

Q. How long had you that paper in your possession—this paper that was the evidence of the criminality of this young man, as you say?—A. Mr. Jolly had it for a number of days. I have forgotten now exactly how many—but he had it a number, and then he gave it to me.

Q. You were a Government official at the time he gave it to you?—A. Yes, sir.

Q. How long did you have it in your possession?—A. I reckon about eight months or so, or probably more—probably a year. I showed it to Mr. Morey when he was in New Orleans.

Q. You kept it in your possession, then, probably a year?—A. Yes, sir.

Q. When you left New Orleans, you carried it away with you?—A. I did.

Q. And you kept it and sold it to Mr. Morey, as you say?—A. I showed it to him when he came there. I showed it to Mr. Dingrave himself. Mr. Morey bought all the papers, and that was one of the papers included.

Q. This paper you carried off after you had received it in your capacity as the agent of the Department?—A. That case was not referred to me. I had no official connection with that case whatever. Mr. Jolly had that case in charge.

Q. You got possession of this paper in your capacity as an agent of the Department?—A. No, sir; I did not.

Q. You got it in a private capacity?—A. I got it in a private capacity through Mr. Jolly; he had it officially, when the matter was hushed up and whitewashed by his report, of which I will give you a copy if necessary; it made no difference who had it then.

Q. So you carried it away to get money out of it?—A. No, sir.

Q. You used it to get money?—A. I held it over that man that had been holding these things over me.

Q. Which things?—A. These outrages in Louisiana, that he should be put in the penitentiary for.

Q. What outrages do you refer to?—A. The arrest of prominent democrats there, and the cutting of telegraph-wires, and the robbing of United States mails by him, and general cussedness.

Q. These prominent democrats that you have been talking about so much during the progress of this examination, when did you begin to call them prominent democrats?—A. At that time.

Q. Did you not call them White-Leaguers at that time?—A. No, sir.

Q. Please to look at this paper, [producing a newspaper.] Look at an article in there, and see whether you signed that and swore to it.—A. Mr. Ray drew that up.

Q. Did you not draw part of it?—A. No, sir; that is Mr. Ray's manuscript probably. It is in the New Orleans Republican.

Q. Mr. Ray drew it up, but you swore to it?—A. I did not swear to it.

Q. You swore to the paper Ray drew up?—A. There was an affidavit drawn at the bottom of the large manuscript, but how they manipulated it afterward I do not know.

Q. Do you swear that the paper has been changed since you swore to it?—A. I don't know. It has been in the printer's hands, Mr. Ray's hands, or anybody's hands. It was in the Republican office, and probably they manipulated it to suit themselves.

Q. The paper that you signed and swore to is the paper that was drawn by Mr. Ray; did you sign that paper and swear to it without knowing its contents?—A. I had a paper read to me. It was a voluminous document and took up a great many pages.

Q. And you swore to it?—A. Yes, sir.

Q. Did you call them prominent democrats in that paper?—A. I do not remember.

Q. Did you not call them White-Leaguers in that paper?—A. I do not remember. I do not know as it makes any difference; if I have, I have.

Q. Did not you call these persons then that you call prominent democrats now White-Leaguers?—A. I don't know; if I did, it is on record now.

Q. Did not you allege that they had been committing outrages?—A. I do not remember now.

Q. Are the matters that are referred to in that document that was drawn up by Mr. Ray those matters which you call now the outrages in Northern Louisiana?—A. Yes, sir.

Q. They are the same thing?—A. Yes, sir.

Q. So that you are testifying here about the same matter that you were then testifying about when you swore to that document?—A. The same charges.

Q. Look at that and see if you can identify it as being the document.—A. That is the document, but I don't know whether that was changed after it went into the Republican office or not. It was an immense document, read to me by Mr. Ray.

By Mr. CONGER:

Q. State whether that is the document, as you understood it, that was signed, unless it was changed in the office.—A. Yes, sir.

Q. You presume it is the same document?—A. Yes, sir.

By Mr. WILSON:

Q. Did not you have that document in your own possession, and show it to other people, and read it to other people?—A. I showed a portion of it to Mr. Morey, which he erased himself or recommended to be erased; after Mr. Ray wanted it in there, I took it to Mr. Ray, and told him Morey would not have that published.

Q. After you had signed and sworn to this document, did not you take it to other people and read it to them?—A. I took it to Mr. Morey.

Q. Did not you take it to others and read it to them?—A. I do not remember.

Q. Do you say you did not?—A. I said I did not remember. I did not say I did not. "I do not remember" is my answer.

Q. You will not say then that you did not do it?—A. I said that I did not remember.

Q. With reference to these arrests of prominent democratic politicians now, and of White-Leaguers, as it was then, who issued the warrants in those cases—in the cases of these outrages in Northern Louisiana?—A. Mr. Jewett.

Q. Are those the warrants you have spoken of in your testimony—the warrants that were issued?—A. Yes, sir.

Q. Were there other warrants than those?—A. Yes; they are on record now in the marshal's office.

Q. There are other warrants you served and returned?—A. I did.

Q. Did Mr. Jewett issue all those warrants for that region of country?—A. Yes, sir.

Q. Where were Mr. Jewett's headquarters?—A. In the saddle or in a wagon—one of the two. He carried his office in his pocket.

Q. Have you not sworn that those warrants were legally issued, that they were lawful warrants in your possession, and that you were out serving them in the usual way?—A. I testified that I discovered afterward that they were unlawful.

Q. I am talking about what you swore to heretofore.—A. I decline to answer. It has nothing to do with the testimony I gave yesterday.

Q. You have spoken of some warrants that were issued by Mr. Jewett. Did you know that those parties against whom the warrants were issued were not violators of the law, as has been charged against them?—A. I do not know, sir.

Q. So that, for anything you know now, those warrants were issued properly against the persons against whom they were issued?—A. Only from hearsay.

Q. Did not you know that these parties against whom these warrants were issued were alleged, by affidavits filed against them, to have been violators of the law?—A. I know there was an affidavit made to that effect; as to the truthfulness of it I know nothing.

Q. You know that these parties were charged as belonging to what is known as the White League down there in that country?—A. I don't know that these particular parties belonged to the White League. They may have belonged to it; I do not know that.

Q. Have you ever made affidavit that they did belong to the White League?—A. I do not remember.

Q. Can you say that you did not make such an affidavit?—A. I decline to answer your question. It has nothing to do with the testimony I gave yesterday or the day before.

Q. Where was Mr. Jewett residing at the time that these warrants were issued?—A. He had been in the woods. I could not tell you where he was residing; no one knew where he was.

Q. Do you know where his home was?—A. I do not; he had been living in different places.

Q. You have made special mention here of a warrant in which were the names of the Ramseys, Richardson, and Judge Scott, and have given statements as to Mr. Morey's connection with that warrant?—A. Yes, sir.

Q. You say that Mr. Jewett was at that time not the commissioner?—A. I discovered that fact afterward.

Q. State whether Mr. Morey did not protest, after he had discovered that warrant had been issued, against the service of the warrant?—A. No, sir; on the contrary. The original warrant contained the names of twenty or thirty men; and he took his pencil and erased all except the four, and there were only three of them arrested.

Q. Where did this occur?—A. At Homer, in my presence, in the presence of Jewett, and, I think, of Mr. Maxey and John Ray.

Q. Who is the man that made the affidavit on which those warrants were issued? What was his name?—A. Scott Raines. I think so; I will not swear to that positively.

Q. When Mr. Morey discovered that you had that warrant in your possession, did not he protest against the service of that warrant?—A. On the contrary; no, sir. He was to speak there on the 24th. This was the 24th, and it was arranged that as soon as he and Ray got out of town the arrests should be made.

Q. I am speaking about the warrant, before there was any change in it. Did not he protest against it?—A. He did protest against some of the parties that were on that warrant, because they were Jews and friends of his that had voted for him before; and he said, "They will vote for me again, and you had better not have them arrested;" and he ran his pencil through those parties.

Q. Did not he call attention to all the parties named in that warrant, and say that he protested against the service of that warrant against those parties, and that he did not believe that they were guilty of any such offense?—A. No, sir.

Q. Did not he send for Mr. Raines, the man that made the affidavit, and examine him and cross-examine him to ascertain whether there was any ground for issuing the warrant against those people?—A. No, sir; he had not time to do so. They were speaking all that day.

Q. Did not he, after he had brought the parties together there, draw his pencil through those names that were referred to; and also at that same time with reference to the Ramseys, Richardson, and Judge Scott, say that he did not believe those men were guilty of the offense with which they were charged; and did not he cross-examine this man who made the affidavit with reference to it?—A. No, sir; on the contrary; and he told me to take these men and put them into the Vienna jail and keep them there, and to go back to Claiborne Parish, and not get to Monroe until the eve of the election, and then it would be too late for them to do him any hurt in the election.

Q. After he had examined Raines and Maxey and others there in regard to these very persons, the Ramseys, Richardson, and Scott, did not he still insist that those parties should not be arrested?—A. I have just said he did not examine them.

Q. Did not examine who?—A. Ramsey and Scott.

Q. I am talking about examining Raines.—A. Raines, I mean, and Ramsey.

Q. You say he did not do it?—A. Not to my knowledge. If he did it I should have known it. I should have known it, because I was with him all the time, pretty much.

Q. Did not Maxey and Raines insist that these parties were guilty of the offense charged against them all?—A. I don't know, sir. They made the affidavits. I presume, of course, they insisted on it. It was not my duty to look into the affidavits; it was simply my duty to execute the warrant.

Q. Was not the speaking all over before Mr. Morey went to Maxey's house?—A. We arrived in Homer on the evening of the 23d, so that we were in Maxey's house the evening of the 23d. We left Greensborough on the 23d, and arrived at Homer.

Q. Was not the speaking over, and did not Morey then go to Maxey's house, and there for the first time see or hear of these warrants?—A. No, sir; I knew of this warrant—at least that it was to be made out—on the 23d. It was made up on the 24th.

Q. What day was the speaking?—A. On Saturday, the 24th.

Q. You stated a moment ago the affidavit and the warrants were made up on the 24th?—A. Yes, sir; it was all canvassed over on the night of the 23d and the day of the 24th, when he was not with the party that was speaking.

Q. What time in the day did he speak?—A. I believe they commenced about 11 or 12 o'clock.

Q. Who else spoke beside Mr. Morey?—A. There were several; I do not know.

Q. From the speaking, where did Mr. Morey go?—A. He went over to Maxey's house, to the best I can remember.

Q. Did you have these warrants over at Maxey's house?—A. I think he did, and that was the place where he ran his pencil through them, and I think Maxey was present and saw the whole thing, and Maxey kicked against it.

Q. Was Raines there?—A. Raines was around the house; yes, sir. Morey told him that some of those he erased were Jews that had voted for him the last campaign, and

he was confident of their support during that campaign. They were friends of his; he did not want them arrested; but he said to arrest the others, but not to do so until he and Ray had got out of town a good ways.

Q. Did you know whether Judge Scott, in the campaign before, had made a speech in Morey's favor?—A. I never heard of it.

Q. Were not you there yourself at the town of Lisbon during the canvass before, in 1872?—A. I do not remember being there. If he did, I do not remember it; it was a long while ago, and there were so many speeches made I cannot remember.

Q. You do not remember that Morey said on that day, at Maxey's house, that Judge Scott ought to be arrested?—A. On the contrary, he erased all the names, except those four gentlemen.

Q. When did you say that you first discovered that Jewett had no authority to issue those warrants?—A. I discovered it, to make my mind positive on that subject, on the 13th of May, I think it was.

Q. When did you first hear he had no authority?—A. I heard it from Mr. Morey.

Q. When?—A. On the 12th October; he asked me to write a letter to Packard, asking him to have Jewett recommissioned, and to antedate his commission back to June or July.

Q. Mr. Morey asked you to do that on the 12th of October?—A. Yes, sir.

Q. Did you get information back as to whether or not Jewett had authority?—A. It was not to ask whether he had authority; it was asking for a commission for him—for Packard to procure a commission from Judge Woods, which was procured and forwarded to him, and was received there on the 27th day of October; and with the letter transmitting it from Packard's office, stating that Judge Woods declined to antedate it; that the law required that the commission should be spread upon the minutes of the court the day it was issued.

Q. Was not that the first time the question was raised as to Jewett's authority by Morey himself?—A. Yes, sir; when he told me to write for this commission.

Q. Was not there a controversy as to whether or not Jewett's commission had expired?—A. I believe there was.

Q. Did not Jewett insist he was a commissioner?—A. No, sir; he did not insist. I had not seen Jewett at that time.

Q. Did not you insist that he had authority?—A. I did not insist. I said that one of the Green family had made that remark, and Morey got angry. He said he knew what he was talking about, and for me to do what he told me. That was the substance of his remarks.

Q. Did not you insist that Jewett was a commissioner, and did not Mr. Morey ask you to write a letter for the purpose of ascertaining whether he was or not?—A. It was not for the purpose of ascertaining; it was for the purpose of procuring a commission for Mr. Jewett; there was no ascertaining about it.

Q. There was a controversy as to whether or not Jewett's commission had expired?—A. If you call that conversation which I have just related a controversy, it was a controversy.

Q. It was about as to whether his commission had expired or not?—A. Yes, sir.

Q. Jewett was acting upon the assumption that his commission had not expired?—A. I told you I did not meet Jewett until the 23d of October. I never met him in my life until the day these warrants were made up—the night before the day I received these warrants I showed you yesterday. I arrived at Greensborough on the 22d, and that is the first time I saw Jewett in my life. The night of the 22d was the night these warrants were made up, and the morning of the 23d they were handed to me. Morey was present when these warrants were made up. He assisted with Ray and the Green family in selecting the names, and talking the matter over, and canvassing the whole thing over that night.

Q. Then afterward he drew his pencil through some of these names he had assisted in getting up?—A. Not at all. I said the warrants he run his pencil through were made out at Homer; it was another warrant entirely. The list of these names was canvassed the night before that again, when we got to Homer, by Mr. Maxey and Ray and Morey, and then that particular warrant with the twenty-odd names was made up and he run his pencil through all except the four.

Q. Did he help make up the warrant from which these twenty particular names were erased?—A. I do not think he did, or else those names would not appear on it, and the names those democrats who voted for him that he spoke of.

Q. Where did you get those warrants you produced here?—A. The intention was to have another deputy appointed. I believe there was one or two, but they were afraid to go into the country to execute anything, and the object was to have another deputy use one of them. I was to use one with the cavalry and they were to use the infantry I left behind at Vienna. They were to scour the country with the infantry while I was with the cavalry in Claiborne Parish; and between the two United States forces we were to gobble up those men.

Q. Is this [showing paper] your return on those warrants?—A. No return has ever

been handed to Packard under it, because if any of the names on that warrant were arrested, Jewett afterward made a warrant to cover those names, still leaving that original warrant in its present shape.

Q. Did you make these arrests?—A. Yes, sir; I made the arrests that were made.

Q. Did you make any return?—A. I did on the back of the warrants I spoke of.

Q. Did not you make any return of this warrant; a return of what you did?—A. I may have made a memorandum of what I did there for my own information; yes, sir.

Q. Do you mean to say that you had duplicate warrants?—A. Yes, sir; there were two of those made up, one of which Mr. Morey got when he got the papers.

Q. Did you have both of them?—A. I had both of them; yes. It was afterward found there was no other deputy marshal that would answer to take charge of them. I held it until another was appointed.

Q. What did you do with them?—A. I kept them.

Q. Did you make any return?—A. I did make a return, but it was on another warrant.

Q. Where is the other warrant?—A. Mr. Packard has it.

Q. That warrant has been returned?—A. Yes, sir.

Q. And this one you kept?—A. Yes, sir.

Q. And made no return upon it?—A. No, sir. If you call a return making a memorandum of what you did, I did.

Q. You carried this official paper away with you?—A. Yes, sir.

Q. And have kept it ever since?—A. Yes, sir; it was of no value to anybody else except myself. If you understand my testimony about that, it is that if Hughey's name and Phillip's and any other names appear on there, and if they were arrested, another return was made out to cover their case, so as to leave that in my hands, and not to be returned to Packard.

By Mr. HOSKINS:

Q. Why did you keep this warrant if it was not to be served?—A. It is a matter of record.

Q. Where?—A. For myself, I suppose. I keep it the same as I would keep anything else, because I wanted to.

Q. You never have served that individual warrant or these two warrants?—A. I did. When I arrested them afterward another warrant was made to cover the three that were arrested.

By the CHAIRMAN:

Q. Did you ever serve that individual warrant upon anybody?—A. Yes; I think I did; and then afterward made another warrant just to cover these three names. You see when the three men were arrested I had to make a return on it, and in order to keep this memorandum of the other names, I retained this one, which was to save all that writing.

By Mr. HOSKINS:

Q. At the time you made the arrests you either made them by virtue of this warrant or the other warrant?—A. Yes, sir.

Q. You did not serve the two warrants upon the same parties?—A. No, sir.

Q. Did you arrest any person by virtue of this warrant?—A. I think I did.

Q. And they are the persons named on the back of it?—A. Yes, sir.

By the CHAIRMAN:

Q. You made the arrest on this warrant and the return on another?—A. Yes, sir; the object was to save all this writing.

By Mr. HOSKINS:

Q. Has it not been your custom to make returns upon the identical warrant upon which you make the arrest?—A. I never had one so peculiar before.

Q. Has it not been your custom to make returns upon the identical warrant upon which you make the arrest?—A. Yes, sir; because there never appeared more than one or two names.

By Mr. WILSON:

Q. You had Lieutenant Hodgson and seventeen men along with you in making these arrests?—A. Yes, sir.

Q. From whom did the lieutenant get his orders?—A. I have not the remotest idea. He was ordered to report to me as a *posse comitatus*. I presumed, though, that he got them from Major Head; I do not know. He may have got them from Morey.

Q. Then he was acting under your direction?—A. After he reported to me as my posse.

Q. What he did after he came to you was done by your orders?—A. My orders, received from Morey by me.

Q. And you, as a United States officer, having control of a lieutenant and seventeen men, took your orders from Mr. Morey, and acted under his direction?—A. He seemed to me the chief mogul up there; yes, sir.

Q. You took your orders from him?—A. It seems so.

Q. Is it so?—A. I have said so.

Q. Where were those orders given?—A. At different places and at different times.

Q. Who was it that Mr. Morey was to get promoted?—A. Maj. George E. Head. I believe he was a captain with a brevet rank as major.

Q. And for what consideration was Morey to get him promoted?—A. For the use of his troops all over the country. When he started out with his command there were no warrants at all shown him.

Q. Where was that arrangement made between Mr. Morey and Major Head?—A. The arrangement was not made with Mr. Morey and Head. Mr. Morey made it with Major Head through me.

Q. Where were you and Mr. Morey when this was done?—A. I was at Farmersville when that was done, after Major Head had moved his command from Monroe to Vienna, and from Vienna to Farmersville, without the slightest show of authority. We left part of the command at Vienna, and took the rest to Farmersville.

Q. You engaged to Head that Mr. Morey was to have him promoted, provided his (Morey's) orders were obeyed?—A. Major Head intimated to me that he would like to get into one of the new regiments that were about to be organized. I believe they talked about that time about an increase in the Army, and he said he would like to have Morey speak to Mr. Spinner in the Treasury Department, who was an uncle of his wife, and he said that Spinner had promised him that he would promote him if he could, and he wanted Morey to assist him, and tell Spinner how he had maneuvered the troops in that section of the country to suit the republican party, and that is all he would ask of Morey—that Spinner would do the rest. I told Morey that when he arrived at Farmersville, and he said, "You tell him that I am on the military committee; that the President has great confidence in me, and that I will not only speak to Mr. Spinner about him, but I will see the Secretary of War, and get him promotion." Then there was a wink and a nod; he did not intend to do it, I suppose.

Q. Do you wish to be understood as saying that Major Head agreed that Mr. Morey's orders should be obeyed in consideration of Mr. Morey getting him promoted?—A. Yes, sir; that was the understanding between Major Head and myself and Morey.

Q. Did Major Head make that proposition—that that should be the case?—A. He asked me to see Morey and ask him to get him promotion, just as I have related to you.

Q. Did Major Head make the proposition that he would obey Mr. Morey's orders, if Mr. Morey would get him a promotion?—A. He gave me so to understand. He would maneuver the troops in any part of his district if he got promotion. That was the understanding. He said, "I know you have not any warrants."

Q. You say, "If he got promotion?"—A. If Morey would get him promoted.

Q. That is to say, if Morey would get him a promotion, or would agree to get him a promotion, Major Head would move the troops according to Morey's orders?—A. Yes, sir; if Morey would use his influence to get the promotion.

Q. So that the agreement was, as made, that Head should move the troops according to Morey's orders, and that Morey, as a consideration for that, should endeavor to secure Head's promotion?—A. Yes, sir; or that he should obey my orders which would emanate from Morey—Morey's orders and mine. They were obeyed.

Q. Were the orders from Mr. Morey to you in writing about the movement of the troops?—A. I think I had some dispatches from him. Most generally he was with us.

Q. He was with you most of the time?—A. Up to the time I started from Monroe with the troops. Then he was not with me for a few days. He caught up at Farmersville at the time this interview took place between Head and myself and Morey and myself.

Q. You have spoken about some warrants that were signed in blank; what time did you get them?—A. I got those about one day before Head and myself started out from Monroe—I think the night before.

Q. How long did you keep those warrants?—A. I took them to Greensborough with me, and I kept them until Morey got them from me—I only kept a part. There were at least twenty or thirty warrants made out; twenty, probably.

Q. Had you them with you at this time the difficulty occurred with relation to the writ of *habeas corpus*?—A. They may have been in my satchel. I had no further use for them when I got those warrants.

Q. You had these warrants in your possession at this time?—A. The blank warrants. They were in my satchel, I think.

Q. Did you have them with you while you were incarcerated in jail under that action of Judge Trimble?—A. I did not; no, sir; I do not think so.

Q. What had you done with them?—A. I think I had them in my satchel.

Q. Where was your satchel?—A. At Monroe.

Q. You did not carry it with you?—A. The posse would not allow me to carry anything. They put me on a horse, and tied me, &c.

Q. Hadn't you some blank warrants while you were in jail?—A. I had some blank warrants of William Grant's which he issued to me for an entirely different purpose. They had been in the habit, down there, of making arrests of thieves, &c., and going out and discovering where the man was, and then filling his name in the affidavit already made in New Orleans, and then executing the warrants. I think I had two of them in my possession at that time, that I had had in my possession probably a year or more before that. They were used solely for the arrest of criminals in Louisiana for robbing mails, &c.

Q. Did not you make Head a proposition to fill up one of these warrants in your possession, and for Head to arrest you on it?—A. Not for Head to do it.

Q. Who was to do it?—A. Dingrave fixed that up, this defaulting postmaster at Monroe, that I was speaking of a little while ago. That was in order to get me from the jurisdiction of the State authorities.

Q. Did not you make a proposition to Head to execute the warrant after it was filled in?—A. I do not remember. There was a great deal of excitement there at that time.

(Question repeated.)

A. I say I do not remember. If you refer to Major Head's testimony, he swore before the committee that he saw these warrants when the troops moved out of Monroe on the 16th of October. I never saw these until the morning of the 23d. At least that is what the New Orleans Bulletin quoted him as saying.

Q. Where were you, and who was present, when Morey asked you to kill Glover?—A. Jewett was present, and I am quite positive now it was at Vienna.

Q. Can you state what Morey said?—A. His conversation was in reference to placing the prisoners I had there from Homer in the Vienna jail, and then for me to go back to Claiborne Parish and to make more arrests. Before going we were to place the infantry command which was at Vienna around the jail and keep them there, and while I was in Claiborne Parish I was to arrest Isaac Newton Glover, and to take him somewhere in the woods and kill him.

Q. You say that was his proposition; do you mean to say that is what he said?—A. That is exactly the language that he used. Yes, sir; it might not be word for word, but it was the purport and the substance of his language.

Q. Who was present besides Jewett?—A. I do not remember anybody else.

Q. Didn't you yourself suggest to Mr. Jewett, or say to Mr. Jewett, that you would go and hunt up this man Glover and kill him?—A. Not a bit of it. I do not know Glover; I never saw him; I don't know anything about him.

Q. That was not said by you?—A. No, sir.

Q. State if Mr. Morey, during the time that these arrests were being made, did not urge upon you that you should be cautious not to exceed your authority, or do anything that would be a violation of the law.—A. No, sir.

Q. You say he did not?—A. No, sir, he did not.

Q. Did not he call your attention to the fact that a day or two preceding you had been drinking, and did not you apologize for it and excuse yourself upon the ground of exhaustion?—A. No, sir.

Q. Nothing of that kind occurred?—A. No, sir.

Q. Didn't you promise him then that you would not drink anything more?—A. I had not been drinking at that time. There was no liquor in the country to get. I only drink ale or lager, or now and then a glass of champagne. I have not touched anything else for six years. There is no champagne in that country. I never drank whisky, and have not for six years.

Q. How did it happen in these letters of Morey to you he was cautioning you against your habits, and suggesting that it would be necessary, if you got a place, to be very particular about your habits or they would not keep you in it?—A. I suppose that is one of the essentials to a good detective, that he should keep his brains about him and not drink.

Q. What occasion was there for his lecturing you in that way, or making these suggestions to you, if you were not in the habit of getting drunk?—A. I do not know.

Q. There has been nothing in your past life to warrant him in making any such suggestions?—A. I read a letter yesterday in which he said that I had not drank anything for two years. He knew I had not drank for two years and a half.

Q. Then there was no occasion for his referring to this in his letter to you?—A. I do not know that there was.

Q. He did write to you saying that if you got this appointment you would have to be particular?—A. He wrote me so in New York. You are trying to put this letter with the arrests in Louisiana. This letter you refer to was written only two or three months ago, in 1876, while these arrests were made in 1874.

Q. Your remark about your habits, then, has reference to a long time ago, and not recently?—A. I was in Louisiana without touching a drop of anything for about three years—in that neighborhood—and Mr. Morey knew that.

Q. Have you been drinking since?—A. That is a matter of my business and not your business.

Q. Did that have nothing to do with your failure to get a position?—A. No, sir; I never drink to excess.

Q. Where was it that Baker's name was forged to warrants?—A. At Monroe.

Q. Who was stationed there at that time?—A. I was.

Q. Anybody else?—A. No, sir; no one was there. I did not meet Jewett until afterward.

Q. There was just you and Morey?—A. Yes, sir.

Q. When was this that these names were forged?—A. It was, as I stated, a few days or two days before the infantry command started out. It was October 16. The infantry command had left Monroe.

Q. Were the warrants used?—A. No, sir.

Q. How many of them were there?—A. I should judge about 20. I remember Baker was sick and he was on his plantation, which was about ten miles from there, and Morey wanted Baker to go out when this infantry command came and take affidavits upon which he could base warrants, and Baker promised faithfully to follow this infantry command. Baker was there in the room with Morey and myself on the second day, I think, before the infantry command started out. That was about the 14th, and Morey gave me these blank warrants to start out with, in the event that Baker did not come up in time. The next day Baker did not arrive at Greensborough as he promised, and, according to Morey's orders, a part of Major Head's command was taken to Farmersville without any requisition and without showing any warrant, just simply on a verbal request of mine.

Q. You say that you and Baker and Morey were together; where was that?—A. At Monroe, in a room occupied by Morey and myself.

Q. Was that the time that these warrants were signed, when Baker was there?—A. No, sir.

Q. When was it that Baker and Morey and you were together?—A. It was about two days before the infantry command started out—it was the 14th.

Q. Were these warrants issued before or after the 14th?—A. They were signed after the 14th; about the night of the 15th, or the day of the 15th.

Q. Then, where was Baker when they were signed?—A. I have not the remotest idea, any more than you have. He was not there, though. It was in the room occupied by Morey and myself, in the Ouachita Hotel.

Q. Have you any of those warrants now?—A. No, sir; I have none of them now. Morey got them.

By Mr. CONGER:

Q. I understood you to say that you were not present when they were signed.—A. No, sir; I said Baker was not there when they were signed. Mr. Morey told me that he thought he could sign Baker's name as good as Baker.

By Mr. WILSON:

Q. Did you keep copies of those returns?—A. I could not copy the signature, and that is about all there is on a blank warrant to copy.

Q. There was something that was printed?—A. Yes, sir.

Q. And the signature?—A. The signature was all that was written. There was the signature and the printing and the paper with the blanks in full.

Q. Did you keep copies of those?—A. No, sir.

Q. Why didn't you?—A. I did not see the necessity of taking a blank warrant and just copying Mr. Baker's name to it. There is no sense in that. That might do for a child. I was copying documentary evidence that I was holding over Mr. Morey for my protection. A blank warrant with a copy of that signature was no evidence.

Q. It is just about as much evidence as any other copy.—A. A copy of a blank with a signature is one thing, and a copy of a written document or a letter is another, in my judgment.

By Mr. HOSKINS:

Q. Were none of these warrants, made out at the Ouachita Hotel, ever served?—A. I never served any. There was a part of them left at Greensborough with the Green family. If they were, they were not used by me.

By Mr. WILSON:

Q. You have produced here two original papers, these two warrants; have you any others?—A. No, sir; no other warrants.

Q. Have you any other original papers of any nature?—A. I have got a great many original papers.

Q. I mean original papers that are connected with the discharge of the duties that you did discharge while you were an officer of the Government down in Louisiana.—A. Undoubtedly I have.

Q. You have original papers?—A. Different papers, Post-Office Department papers and other papers.

Q. How did you get them?—A. They came to me by mail, some of them, and some were handed to me in person. I got them all sorts of ways.

Q. Did you steal any of them?—A. No, sir; I am not a thief.

Q. You said you got them all sorts of ways.—A. You know what I mean—in the course of my business with the Government.

Q. In the course of your business with the Government, did you carry away papers that did not belong to you?—A. No, sir.

Q. You have original papers in your possession that belonged to the duties of your office?—A. I have papers that belong to me for my protection in the settlement of accounts.

Q. What business have you with papers that belong to the Government?—A. They do not belong to the Government; they belong to me in the settlement of my accounts.

Q. Have you any other original papers in connection with the matters to which you have testified than these you have presented, or that relate to Mr. Morey?—A. I have no other original papers but what I have produced that I know of; but when you ask me what I am doing with original papers that came to me in the discharge of my duty and the settlement of my accounts, papers acknowledging the receipt of certain transactions, &c., I say they came to me as papers belonging to me.

Q. Have you any papers that belong to the files of either the post-office, the marshal's office, or the internal-revenue office?—A. No, sir; nor ever have had. Mr. Morey wanted me to steal some from the archives of the Post-Office Department—the bond of Mr. Lowell—and I wouldn't do it. He wanted to make a thief of me in that respect.

Q. Where was Mr. Morey when he wanted you to do this stealing?—A. He was in his own room at his house in Washington here.

Q. When was that?—A. In 1873 or the early part of 1874. It is the latter part of 1873, I think.

Q. Who was present at the time Mr. Morey made this proposition to you to steal this bond?—A. Nobody. His family was in the other room back of there.

Q. Did you know where the bond was kept at the Post-Office Department?—A. I found out afterward. I had occasion to find the bond of the postmaster at Alexandria, and that same day I noticed the bond of the New Orleans postmaster. That evening I told Mr. Morey I had seen that bond of the postmaster there, and gave him to understand that I would get it for him. I left him with that impression, although I never made any effort to do so.

Q. So you did let him believe you would steal that bond?—A. I did. If I had not done so probably I would have lost my commission, but I never made any effort to get it.

Q. In other words, if you had not given him to understand you would steal that bond you would have lost your place?—A. Undoubtedly. There is no question in the least about it.

Q. Who was present when Morey threatened you with the penitentiary?—A. Nobody.

Q. Where were you when he threatened you with the penitentiary?—A. At New York, at the Fifth Avenue Hotel, on the 3d of January, 1875.

By Mr. BLACKBURN:

Q. '75 or '76?—A. '76.

By Mr. WILSON:

Q. Who was present when he offered you money to keep you quiet?—A. How do you mean, to keep me quiet?

Q. You said he offered you money to keep you quiet?—A. I never said anything of the kind.

Q. Did he offer you money to keep you quiet?—A. No, sir; he bought those papers to keep me quiet, I suppose.

Q. Did you authorize the statement that Ludeling would be shown to be guilty of forgery which was made in the papers a day or so ago?—A. No, sir.

Q. Did you talk to any of the reporters on that subject?—A. I did not.

Q. I desire to ask you distinctly this. I have asked you with reference to your sending telegrams; did not you in June, 1875, send a telegram to Mr. Morey, demanding of him a place in the secret-service force, and threatening him that if he did not get it for you you would bring disastrous consequences upon him?—A. I was in New Orleans in 1875. I do not remember doing anything of that kind.

Q. Do you say you did not send such a telegram?—A. I remember nothing of that sort.

Q. Do you say you did not send such a telegram?—A. I do not remember writing any such telegram.

Q. Did you telegraph him in June, 1875, demanding a place in the secret-service force, and saying to him that unless you got a favorable reply you would proceed

to take care of yourself?—A. I wrote him something of that sort; not exactly that language at all.

Q. What was the language that you used, as nearly as you can remember?—A. I told him that I was an applicant—that was about the substance of it—for a position in the United States secret service, and that I expected him to use his usual influence to get me that place. That was about the substance of a letter I think I wrote to him. It was no telegram at all.

Q. Had you made an application at that time?—A. I had, but not a written application. I think I spoke to three or four of my friends in Louisiana, asking them to get me a place of that kind. That is about what I wrote him. I do not think I telegraphed it to him.

Q. In this letter that you say you wrote, did you not say that if you did not get a favorable reply by telegraph, you would proceed to take care of yourself?—A. I think I told him something of that kind; that was about the substance of it.

Q. Did you get a reply to that letter?—A. I did not; something of that kind I wrote him, but there was no telegraphing about it.

Q. What time was it that you sent this abstract of this statement to Mr. Morey with the accompanying letter?—A. I did not send that with that letter.

Q. I mean with the letter that accompanied that statement.—A. I sent him that some time in June, or July, or May—some time in the summer of 1875.

Q. Had you sent him that before you wrote him this other letter you have referred to?—A. I think I had.

Q. Did you ever get any reply to the letter that accompanied that statement?—A. I don't remember; I don't think I did.

Q. So he paid no attention to either of these letters that you had written to him?—A. I think he paid no attention to it.

Q. You stated a while ago, when I was interrogating you in regard to that document that is published in the newspaper, that Mr. Morey insisted on having a portion stricken out. What portion was it that he wanted to have stricken out?—A. It does not occur to me now.

Q. Did he do anything of that sort?—A. No, sir. It was some idea of Ray's that did not strike him as exactly right. It is not fresh in my mind now.

Q. Recall, as nearly as you can, what part it was that he wanted stricken out.—A. I tell you I do not remember.

Q. Could you tell by looking at that document?—A. No, sir; I do not think I could. It is a long document, and it is a long while ago since it was gotten up.

Q. But there was something he wanted to have taken out of it?—A. There was something, I think. The best I can remember it is this, and I am quite positive of it now I think about it. It has come fresh in my memory. It was that Ray, in writing that up, referred to the conduct of the United States officials—that they were derelict. I am not giving you the words he used, but the substance. It said that they were derelict in their duty, in not bringing to justice these parties. It was reflecting upon Mr. Beckwith for not arresting Trimble and the rest of these parties in North Louisiana who brought about the arrests of Hodgson and myself, or the acts of Trimble in North Louisiana. It was something of that kind. It reflected upon Beckwith and the United States officials; and that is the part Mr. Morey objected to.

Q. Was there anything in that paper originally drawn by Mr. Ray reflecting upon the United States officials?—A. Yes, sir; it was something of the kind; I do not remember the exact words.

Q. Was it stricken out?—A. It was stricken out.

Q. Do you say that Ray wrote the whole of that document?—A. That is my recollection.

Q. Look at the beginning of that and the end of it, and see if you did not write that yourself.—A. I did not write that. John Ray wrote it.

Q. Did not Mr. Ray write simply that portion of the document which discusses the legal question as to the writ of habeas corpus?—A. He wrote the whole thing after questioning me, &c.

Q. You gave him the facts upon which he wrote it?—A. I answered such questions as he asked.

Q. You gave the facts to him?—A. I decline to answer any question about that now. It has nothing to do with the testimony I have given yesterday. I do not see what this newspaper article has to do with the testimony I gave yesterday.

By Mr. CONGER:

Q. Was this statement that appears in the paper made up about the date of its publication?—A. I took it up there.

Q. For publication?—A. Yes, sir; to the New Orleans Republican.

Q. As far as you know, it is the same paper?—A. I do not know whether it is or not. I could not remember what is in that document. It is a very long one.

Q. Did you see it after it was printed?—A. No, sir; not the paper. I saw that newspaper.

Q. The printed copy?—A. I did.

Q. Did you ever notice any discrepancy between that and the original paper?—A. I never read it fully.

Q. You have no reason to suppose it is changed?—A. I could not tell. I did not read the other one.

By Mr. HOSKINS:

Q. Do you say you never read it after it was printed?—A. Ray read it to me.

By Mr. WILSON:

Q. Did not you send marked copies of that paper to different parties?—A. Yes, sir; lots of them.

Q. Did you find reason to suspect it was changed?—A. No, sir; not at all. It might have been. I do not know.

By Mr. NEW:

Q. You do not say now that it has been changed?—A. No, sir; I have not said so. I have not seen the original since it was printed, and I have not gone over it to see.

Q. Did you keep a copy of the original?—A. No, sir.

WASHINGTON, D. C., May 17, 1876.

THOMAS E. AYER sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. New Orleans.

Q. What is your occupation?—A. I am secretary to the superintendent of police.

Q. Do you hold any other office?—A. I hold a deputy marshal's commission that I have held ever since 1870, when I was deputy marshal.

Q. Have you ever performed any duties under that commission of deputy marshal?—A. I occasionally now serve a paper for Marshal Packard, whenever he is pushed for help. He sends it up to the office and gets me to serve it, but occasionally only. I am very seldom employed since I was regularly employed in his office.

Q. Have you ever made any arrests as deputy marshal?—A. Yes, sir; I have made a good many arrests while I was deputy marshal.

Q. Are you still holding the commission of deputy marshal?—A. If the marshal should ask me to serve a paper for him, I should do it; I should have the right to do it under my commission.

By Mr. BLACKBURN:

Q. That is only infrequently?—A. Yes, sir; and very infrequently at that; I do not know that I have used it for two or three years at all.

Q. When did you leave New Orleans?—A. I left there a week ago last Tuesday night.

Q. Had you heard that this committee of investigation was appointed before you left?—A. Yes, sir; I had seen it in the papers only.

Q. Had you any conversation with Marshal Packard about any witness who might be called before this committee?—A. No, sir.

Q. Were any of their names mentioned?—A. No, sir; I had no conversation about it at all.

Q. Have you met Mr. Selye since you came here?—A. Yes, sir.

Q. Where did you meet him?—A. I met him first on the President's grounds last Saturday evening when the band was playing.

Q. Mr. Selye stated here that you made remarks to him that he considered to be an intimidation to him; will you state what those remarks were?—A. I met Mr. Selye on the grounds there and spoke to him; I had a very pleasant conversation with him for a minute or so, and I remarked something about this testimony that I had seen in the papers coming on here—to the effect that he was going to testify against Mr. Morey. I said, "Selye, what are you going to do with Morey?" He said, "I am going to send the son of a bitch to the penitentiary." I said in a laughing way, "Look out, Selye, that they do not turn the tables on you and send you there;" that is all I said; I meant no more intimidation than I do in saying it now.

Q. Have you stated since you have been in the city that you intended to arrest Selye?—A. No, sir.

Q. You have not made that statement to anybody?—A. No, sir; such a thing never entered my mind.

Q. You have not made that statement in the hearing or presence of anybody?—A. No, sir; I never thought of such a thing.

Q. Or that you had a warrant for the arrest of Selye, if he appeared before the committee?—A. No, sir.

Q. You had no such warrant?—A. No, sir.

Q. And you had no such conversation with anybody?—A. No, sir; I never heard of it till he told me of it yesterday. I saw it in the New York Sun yesterday.

Q. Did you or did you not remark to Mr. Selye that you hoped he would not be hard on Packard, or any remark of that kind?—A. He stated about the truth of what I said to him, this morning. I said, "What have you got against Packard?" He said, "I have nothing against Packard." I did not ask him not to be hard on Packard, because I did not think he could injure Packard.

Q. Did you ask him why he was making war on the republican party?—A. I believe I did say that. I said, "What are you going back on the party down there for?" I think his answer was, "Because they have gone back on me," or something to that effect. It was merely a casual conversation I had with him. I had not seen him for some time. I had a conversation with him for a very few minutes.

Q. What did you mean by "going back on the republican party"?—A. Turning back on the party; bringing disrepute on the party in Louisiana. That is what I mean.

Q. How did you suppose his appearance before this committee would bring disrepute upon the party?—A. What I saw in the paper coming on here—that Selye was going to testify. I think the way it read was, that he would make a great consternation among the republican party of Louisiana and the leading republicans there. And I think if he had such a great thing as that he would bring disrepute upon the party. I did not know anything. I had no idea of what he was going to testify to; I had never thought of it before.

Q. Did you have any other conversation with Mr. Selye, except the one in the presidential grounds?—A. I do not think I did much more than passing the time of day with him; I have just met him. I think he came into the hotel one evening and I talked with him a little while, but I do not think anything was said about this thing at all. I used to know him in New Orleans. I undertook to speak to him last night, but he would not speak to me. I do not know what for.

Q. Did you in any conversation with him attempt to dissuade him from coming before this committee?—A. No, sir; not the slightest; I never spoke to him about it.

Q. Would you have visited Washington if this committee had not been holding its sessions?—A. Yes, sir. I bought my ticket for the round-trip. I had never been in Washington before, and I wanted to come here. My trunk was packed to go away when I was subpoenaed here the first of the week. I had no idea of staying here except a few days to see the city.

Q. When were you subpoenaed?—A. The 15th, in the House.

Q. Are you a brother-in-law of Marshal Packard?—A. He and I married sisters.

Q. And you had no business whatever in Washington with reference to this committee?—A. Not the slightest.

By Mr. BLACKBURN:

Q. And since 1870, the date which you gave for the commission which you hold as deputy United States marshal, have you ever made any arrests under that commission for which you did not hold at the time you made the arrests proper legal authority?—A. No, sir, never. I never made any arrests except when I was in office, except a few steamboat cases, where they made complaints.

Q. How long were you in that office before you went at other employment?—A. I think it was either the first day of May or June, 1870. It was when they commenced taking the census. Mr. Packard took me in there to take charge of that. That took me nearly a year, nearly all my time. When that was over, I staid there until Ingraham was appointed, I think, in 1872, and I went into his office then as chief clerk. Since then, when I left the marshal's office proper, I have never made any arrests with that commission.

Q. How long has Marshal Packard been the marshal?—A. He was appointed when President Grant was first elected. This is his second term. I think about seven years.

Q. From the time you went in there as a deputy marshal until now, has there come to your knowledge any irregularities or illegal acts performed by any of the officers of the marshal's office there?—A. No, sir.

Q. You know of none?—A. No, sir.

Q. You know of no illegal arrests made by any of the officials of that department since 1870, and no irregularities in the office, that came to your knowledge?—A. I do not know the slightest.

By Mr. REILLY:

Q. Had you any knowledge prior to your leaving New Orleans as to Mr. Selye's appearance before this committee other than that you derived from the newspapers?—A. No, sir; I did not.

WASHINGTON, D. C., *May 17, 1876.*

JACOB M. MCGREW sworn and examined.

By the CHAIRMAN :

Question. State where you reside.—Answer. I reside in this city. I am the Sixth Auditor of the Treasury.

Q. Were you or not at one time connected with the Post-Office Department?—A. Yes, sir; my office is in the Post-office Department. I audit the accounts of the Post-Office Department.

Q. Did you ever make a settlement of the accounts of Postmaster Lowell in New Orleans?—A. His accounts were settled in the office, of which I was then chief clerk. I was appointed Auditor last July. I remember the case pretty distinctly; he went out of office, I think, in 1873.

Q. State to the committee your recollection of it.—A. I cannot give the dates now, though I could if I had the accounts here, or if I had looked at them. Lowell went out of office in 1873, I think, and his accounts upon our books showed an apparent balance on his postal account of some \$50,000, and on his money-order account of about \$17,000. The accounts are kept separate and distinct in the office. Those were balances due the United States. I should say it was an apparent balance, because, in consequence, as was alleged, of the improper and loose manner in which Hayes managed the business of the office at the time he was sent down to take charge of it, Mr. Lowell failed and refused and said he was unable to render his accounts for three months, or two months and a half of his term. Thereby he got no allowance for his own compensation, or for the expenses of the clerks in his office, or anything of that kind. The balance was therefore apparent, and it is difficult to say what the balance would have been on his account. We attempted to collect by the ordinary process of a draft and failed. We then submitted the case to the Solicitor of the Treasury, and he ordered a suit to be brought on the bond against Lowell and his sureties for the full amount appearing due on our books, and for the \$17,000 due on the money-order account. That suit was pending some time, and finally a proposition was made to compromise the case by the payment of \$7,000, and the United States district attorney at New Orleans, Mr. Beckwith, recommended the acceptance of it, I think upon these grounds: first, because of the irregular manner in which the office was taken by an accredited officer of the Government; and secondly, because if we succeeded in getting a verdict we should be beaten on the execution—for the sureties were really insolvent, or in such a condition that it would be impossible to make anything out of it. Ordinarily that would have been sufficient. Ordinarily the action of the Departments is based upon what the opinion of the district attorney may be; if a district attorney says, "You have got a suit for \$10,000 and you will never get it, but he will raise a thousand dollars through his friends," and at the same time recommends its acceptance, it is always accepted. But in this case Mr. Creswell had some doubts about it, and I think Senator West and some other Louisiana members made some inquiry about it, and Mr. Creswell asked me to go down there and look at it, and see what I thought about it. I went there in April or May, three years ago. I had a talk with the United States district attorney, with Selye, who was special agent then, and with Mr. Packard, and Mr. Parker, the surveyor of the port, and Mr. Casey, and a great many New Orleans people, and I came to the same conclusion that Mr. Beckwith had, that in all probability the better thing for the Government to do was to take the \$7,000. From what I heard there of the conduct of Mr. Hayes, (who is an excellent gentleman,) and from what I gathered, (a good deal from what Selye said,) I thought Hayes had done a great many things that could be taken advantage of by the sureties, and the best thing for us was to accept the compromise. The compromise was accepted by the Postmaster-General, and the money paid, and the case was dismissed. That is all about the case I know of.

By Mr. NEW :

Q. Do you know what irregularities committed by Hayes, the securities could take advantage of in an action of law?—A. Yes; I think, my recollection is, that the postmaster was arrested, and they took charge of his papers and keys. That is my impression. I am not sure about this. I got this from the parties in New Orleans. Perhaps Mr. Selye will remember about it. They first arrested the postmaster, and then took possession of his papers and keys. That, of course, I consider would be an irregularity.

By the CHAIRMAN :

Q. Was Mr. Lowell continued in office?—A. No, sir; he went right out. I regarded this as an evidence of great irregularity. Mr. Hayes was only a special agent of the Department, the same as Mr. Lowell was, drawing certain pay per month, and had no other account with the Department, and yet an account appeared on our books, rendered by Mr. Hayes, with a balance of \$1,500 in his favor. I talked with Mr. Hayes about it, and told him that he should not have any balance due to him as acting post-

master at New Orleans; all that he had to do was to take charge for the successor to the postmaster. I telegraphed to them for that to be transferred to Lowell, because it really belonged to him. That was a specimen of the irregularities.

Q. How did that come to appear?—A. By an account rendered by Mr. Hayes.

Q. Would not that show precisely what was due to the postmaster?—A. The acting postmaster ought not to have it. He ought to have been there in the interest of the sureties of Lowell, but he did not see the sureties, I believe, and took charge of the proceeds; he did the best he could; he is an honest, worthy man.

Q. What steps did you take to ascertain the solvency of the sureties?—A. I made inquiries of all prominent officers there, among those I knew, and many to whom I was introduced.

Q. You advised with the district attorney?—A. Yes, sir; I had several interviews with him.

Q. Did you make any inquiries outside the office of the district attorney?—A. No, sir; I do not think I saw any of the sureties. I do not remember who they were, except, I believe, Mr. Morey. There were statements made, and they are on file, I presume, as to the solvency of all the sureties; that is, as to their pecuniary circumstances. It was a pretty bad showing for New Orleans, to have so many men on the bond, and not one to be good, I thought.

Q. By whom were these statements made?—A. I do not know by whom they were made. I think they accompanied the report of the district attorney, in the letter in which he recommended a compromise.

By Mr. NEW :

Q. You spoke of an apparant balance of \$50,000. What is your best judgment as to the true balance, and as to how much of that \$50,000 would be a valid balance against the postmaster?—A. I made an estimate that if his accounts had been properly rendered, and he had received credit for all that he ought to have paid, and that he probably did pay, though he could not show the vouchers, that he owed \$20,000 to \$25,000 on his postal account. The other \$17,000 was actually due.

Q. That is, supposing his own theory of what Hayes had done was true?—A. Supposing what I got from other sources was true. I had a conversation with the deputy postmaster, and also with Mr. Ringgold. Ordinarily the letter of the United States district attorney would have been regarded as sufficient in warranting the Department in negotiating a compromise.

By Mr. CONGER :

Q. From this apparent balance was deducted whatever the expenses and pay-rolls, running along for a certain length of time were, which he would have been credited with but for Hayes's taking possession of the office?—A. He would have been credited with them if he had rendered his accounts in the proper form at the proper time. For instance, take the matter of his own compensation, \$800 accrued on that. He served as postmaster until he was turned out. He never got credit for that, except in the way of compromise.

Q. It was about two months and a half of his salary and that of his employes that he had paid, for which he got no credit; about what would you estimate those things would amount to?—A. I am only giving you what my recollection of my estimate then was. I estimated it at about half his indebtedness on his postal account, which would be \$25,000.

By Mr. HOSKINS :

Q. The postmasters pay certain contractors, also, do they not?—A. No, sir; not at that office. The postmaster is his own disbursing-officer; he pays his own salary, and that of the clerks and letter-carriers employed in his office, and the miscellaneous expenses, such as fuel, and whatever they may be.

Q. He makes no disbursements except what grow out of his own office?—A. Only that; but that is very large in the city of New Orleans.

Q. How long from the time that Mr. Hayes took possession of the office did he hold it?—A. Really I cannot tell you how long Mr. Hayes was there, but only for a few weeks, I suppose.

Q. But these disbursements were disbursements that had been made before Hayes got there?—A. Yes, sir.

By Mr. CONGER :

Q. They were part of a quarter's account?—A. Yes, sir.

Q. Amounting nearly to a quarter?—A. I think it is two months and a half.

By Mr. HOSKINS :

Q. Has the Department ever been called on to pay these parties, which the postmaster claimed he had paid?—A. I think not.

Q. That would seem to imply that they had been paid by the postmaster, as he stated?—A. Yes, sir; we so understood it.

By the CHAIRMAN :

Q. Did you know the names of any of the sureties on the bond?—A. I do not believe I can give you any but the name of Mr. Morey. I know his name was on the bond as surety.

Q. Did you see any of them when you were in the city of New Orleans?—A. No, sir; I think not.

Q. Did you go there for the purpose of ascertaining whether the bond was good or not? You said ordinarily the Department would take the opinion of the district attorney, but in this case an exception was made, and you were sent to New Orleans.—A. I was sent for the purpose of consulting the district attorney, and seeing if we could not do better—whether the proposition ought to be accepted or not.

Q. Do you know whether the president of one of the banks, S. H. Kennedy, was on the bond or not?—A. I do not remember his name; I do not think his name could have been on the bond.

Q. Do you recollect if a Mr. Madden was on the bond or not?—A. I think there was such a name as that.

Q. You did not see any of the sureties?—A. No, sir; I did not go to the sureties to inquire their pecuniary circumstances. I thought I would leave that to somebody else.

Q. Did you get anybody else to go to see them?—A. No, sir.

Q. Did you get any one to go to the real-estate offices to see if they held real estate or not?—A. No, sir; I did not go so thoroughly into it as that.

Q. You really contented yourself with the opinion of the district attorney?—A. Yes, with the opinion of the district attorney, as corroborated by the opinion of gentlemen whom I knew there.

Q. Who were they?—A. There was Mr. Ringgold, the postmaster, and his deputies. He had two deputies, whose names I cannot remember. Then there was Colonel Casey and Mr. Parker, who was then surveyor of the port and who is now postmaster. I had some talk with him about it; one party would know two or three on the list, and another would know another two or three. I had a list of the sureties and made inquiries. I did not have time to search the records, or to make a critical examination of their solvency. The Postmaster-General did not want me to do that, because that would be a reflection on the district attorney.

Q. How long were you in New Orleans?—A. Only two or three days.

Q. Did the district attorney furnish any evidence of the want of solvency of the parties, and did he give his opinion in writing as to the solvency of the parties?—A. Yes, sir; in his letter to the Postmaster-General or to the Solicitor of the Treasury. He did not mention them in detail; but he stated that the proposition was made, and he first expresses his doubts as to whether he could get a verdict or not, after the manner the office had been taken by Mr. Hayes; and secondly, he says if we got a verdict in all probability we could not collect a thing, and in his opinion the Government would do well, under all the circumstances, to accept the proposition of \$7,000.

Q. Did you ever have any conversation with Mr. Morey in reference to the compromise?—A. Yes, sir; he was one of the sureties. Mr. Morey and another member of Congress from Louisiana, Mr. Smith, and Mr. West, the Senator, who expressed a good deal of interest in the case, were talking with the Postmaster-General, Mr. Creswell, and I believe I was sent for.

Q. Did these gentlemen urge the acceptance of this compromise?—A. They recommended the acceptance of the compromise, as recommended by the United States district attorney.

Q. Do you recollect upon what ground they urged its acceptance?—A. Upon the same ground that the district attorney made his recommendation.

Q. Did they lay more stress upon the law difficulties in the way, that is, the uncertainty of getting a verdict in favor of the Government, or did they confine themselves altogether to the insufficiency of the sureties?—A. No, sir; I think they mentioned both difficulties.

Q. Do you know whether Mr. Hayes made any report to the Government as to the facts in the case?—A. I presume he did. That would not come within my knowledge.

Q. Did you have any conversation with him at any time about the defalcation?—A. No, sir; I do not think I ever talked with Mr. Hayes upon the subject. I did not see him before I went away, and my impression is that he was out of the service for a good while, and that he has been re-appointed within a year or two.

Q. Was he in New Orleans when you got there?—A. No, sir.

Q. Had you any intimation from him as to any irregularities of his proceedings in New Orleans?—A. No, sir; he came to the Auditor's office and the Auditor sent for me, as I was chief clerk, with an immense pile of papers from which he wanted to make up his account, and I told him he could not make it up in Washington—he would have to go back to New Orleans and make some kind of a statement. He had all sorts of papers connected with the free delivery, and everything was in a very irregular shape. He had done the best he could with his limited experience in postal affairs.

Q. How did you get knowledge, then, of the irregularities he practiced?—A. I got it

through these accounts he rendered, showing a large balance in his favor, which was an irregularity, as that could not possibly be. He should not have had an account with the Government as acting postmaster. Then I heard it also from the Post-Office Department directly and some of the agents down there. I heard it from some of the officers of the Department; I think it was from the Third Assistant Postmaster-General at the time, General Terrill. I had considerable conversation with him about it, I think.

Q. Did you see Mr. Lowell while you were in New Orleans?—A. Yes, sir.

Q. Did you have any conversation with him about this matter?—A. Yes, sir; we had quite a conversation.

Q. Did you together make any estimate of the loss to the Government by the defalcation?—A. We talked the matter over as to the probable amount due on his postal account, and agreed pretty well as to the amount due, if these claims had been good, and proper receipts, and vouchers, and accounts forwarded, and we agreed pretty well as to the irregularities, and the great doubt there was of the Government making anything on the postal account.

Q. Were Mr. Hayes and Mr. Selye commended for their energy and intelligence in detecting these irregularities of Postmaster Lowell?—A. I do not know. That would be a matter that I do not know anything about. That concerns the Post-Office proper, and not the Auditor's Office.

Q. Did you consider when you went to New Orleans, from the investigation you made, that they had made a faithful and honest investigation of Postmaster Lowell's defalcation, in the interest of the Government, and to the best of their ability?—A. I had no doubt at all of it. I did not know until I heard Mr. Selye testify to-day that he had much to do about it. If he had had more to do with it, I think they would have got along better, for he had more experience. I think Mr. Hayes had more to do with it than he should have had. There is no doubt about Mr. Hayes's integrity, and his intention to do what was right and proper, and he did the very best he could, but I think he did not have the proper instructions when he left the Department, and not being very well posted himself in the affairs of the office, or of any office, he did some things which the sureties could have taken advantage of undoubtedly. I have never had any doubt about that. I have never doubted that we should have failed on the suit on the postal account.

Q. Were there any mitigating circumstances so far as Mr. Lowell was concerned?—A. I don't know.

Q. Or anything going to show that this defalcation was the result of accident?—A. I saw Mr. Lowell only a few moments, and that I think was in Mr. Selye's room. I never saw him before, and have never seen him since.

Q. Have you any memorandum or data that would show when that bond came into your Department?—A. I think I can tell you within a week by looking at the change report of that week.

Q. That is upon the theory that the regulations were complied with?—A. Yes, sir; I would suppose they are, but we could not state definitely when we received that bond. We only know that we have them when they come in the regular course of business.

By Mr. HOSKINS :

Q. In this case do I understand you that the first notice that you had of it, or that the Department had of it, would be the arrest of this postmaster?—A. We would not have that.

Q. The Post-Office Department would have it?—A. The Post-Office Department would have that.

Q. But that would not be sufficient for the Post-Office Department to transfer the old bond to you?—A. Yes, sir; that is so.

Q. Can you tell in the Post-Office Department precisely when this man was appointed?—A. Yes, sir.

Q. And when this arrest was made?—A. Yes, sir; I presume the Post-Office Department can give the date of the bond itself. The bond itself will show the date of the filing of Ringgold's bond.

Q. So that the precise date at which they were transferred would be determined?—A. No, sir.

Q. Neither in your office nor in the post-office proper?—A. No, sir.

By Mr. CONGER :

Q. When a new bond is filed, and a new postmaster appointed, is not the statement of that sent with the old bond to your office?—A. No, sir. The only statement we receive is the weekly report showing just what changes have been made.

Q. Would not that weekly report show it?—A. Yes, sir; that would show about the time.

Q. Would it show within a few days?—A. Yes, sir; for they make it up by weeks, for the week ending so and so.

Q. It would show that it must have been done before that report?—A. Yes, sir; approximately, we could get at the date.

By Mr. WILSON:

Q. It would show it within a week?—A. Yes, sir.

By Mr. NEW:

Q. Would this statement show on its face that the bond was transferred?—A. It would show that the appointment was made; and the regulation is that the bond shall accompany the weekly report. It is possible, of course, that, through the carelessness of a clerk, the bond might not come for two or three days.

Q. Or even for a longer period?—A. It might be longer, but that very seldom occurs, for they are pretty prompt in forwarding them.

By Mr. WILSON:

Q. Mr. Beckwith had reported in favor of this compromise before you went down there?—A. Some months before.

Q. He had recommended the acceptance of the \$7,000 before you went down?—A. Yes, sir.

Q. What kind of papers were they that Mr. Hayes brought up to Washington with him?—A. There was a mass of papers—vouchers of various kinds.

Q. Papers pertaining to the office down there?—A. Yes, sir; a great many had been paid by Lowell. Some of them had been paid by him while he was acting, and there was a great mass of papers. I could not disentangle them, and I told him he must go back to New Orleans and make some kind of an account.

Q. What did these papers show?—A. They were papers showing the payment of the expenses of the New Orleans post-office.

Q. And there was no propriety in having them up here at all?—A. None at all, unless they came with the account.

Q. What is the first thing Mr. Hayes seems to have done when he was down there?—A. I understand the first step was to arrest Lowell, but I never saw his report on the subject. It never came to me or our office. We had nothing to do with the reports of special agents, except to pay them their money.

By the CHAIRMAN:

Q. You know about these steps only from rumor?—A. I know it from the report in the Department. I am pretty well satisfied the arrest was the first thing that occurred.

By Mr. WILSON:

Q. Then he proposed to take possession of the office and run it in his own way?—A. Yes, sir; there was where the mistake was made. We had a case a few weeks before at Mobile, with another special agent. There the special agent brought the postmaster in the office, settled his accounts, fixed the amount of the balance due, and gave him twelve hours to raise the money, or he would arrest him. The postmaster raised the money, paid it, and we were all straight. That process was much better than the other one.

Q. Have you any knowledge or information of any improper influences being used to bring about that compromise?—A. None in the world. I never heard of any such thing.

Q. Did you hear Mr. Selye's testimony this morning?—A. I heard part of it.

Q. Did you hear his testimony in regard to this bond that has been in controversy, of the New Orleans post-office?—A. Yes, sir.

Q. State whether or not Mr. Selye could have seen that bond at that time where he says he saw it.—A. I do not understand where he said he saw it.

Q. He was looking for a bond in connection with the Alexandria post-office, and he saw it in doing that.—A. If that occurred any time, say two or three weeks, after the removal of Lowell, the bond would not be in the bond-room of the Post-Office Department. It would be with the clerk in my office who had charge of the Louisiana account. It could not have been in the bond-room, because it is transferred to us. It depends on the time he saw it, or where he saw it.

By Mr. NEW:

Q. He could have seen it in your room?—A. He might have seen it in the room of my clerks. I did not understand where Mr. Selye said he saw it.

Q. State as fully as you can the irregularities that were said to have been committed by Hayes which could have been taken advantage of successfully in a suit against Lowell and his sureties upon the bond, and that would probably have defeated that verdict.—A. Of course, my recollection of it now is not very clear. At the time I remembered all the circumstances. The fact, as I understand it, was that the keys were taken by the special agent—the keys of his safe, which contains papers, receipts, and vouchers, and, as he might claim, money. When they were taken possession of by the accred-

ited agent of the Department, he could say, "You have taken possession of my office; now you can settle the accounts yourself."

Q. Was it claimed and conceded in that settlement that the statement of the postmaster of the fact that the keys had been so taken would weigh more upon the trial than the evidence of Hayes, that if they were so taken he made no improper use or disposition of the funds or papers that came into his hands; did you investigate to see, if Hayes was put on the witness-stand, what he would say he did with the proceeds, whatever they may have been?—A. No, sir; I had no conversation with Hayes about it. At the time I went to New Orleans, Hayes had gone out of office. At any rate, he was not in Washington when I left, and he was not in New Orleans when I got there, and I did not see him until a long time afterward.

Q. You say that Hayes was a very good, honest man?—A. Yes, sir.

Q. Had you any reason to believe, from any investigation which you then made, that he would not have been able, if suit had been brought on the bond, to so state what he had done as to make these irregularities, if they were irregularities, of no avail?—A. I am afraid he could not have done it.

Q. Give us your theory about it.—A. I believe that if you or any other member of the bar had been attorney for the accused in a case of that kind, you would have made a very good case for the accused.

Q. Give us the data more specifically than you have for agreeing with the opinion that the district attorney had given you.—A. I cannot give any further facts than what I have stated. I was convinced that we could not get a verdict in New Orleans. I thought at first that \$7,000 was a very small amount to compromise so large a deficiency. I am now of the opinion that we got \$7,000 more by the compromise than we would have got by pushing the case to trial.

By Mr. BLACKBURN:

Q. Do I understand that this defalcation of sixty-odd thousand dollars was compromised by the Post-Office Department upon the basis of the payment of \$7,000, and that that was predicated upon the disadvantage at which the action of Mr. Hayes had put the Post-Office Department, either intentionally or unintentionally, by a blunder he had committed in taking possession of the post-office at New Orleans?—A. That is one reason, but possibly not the main reason.

Q. Have you assigned the others?—A. Another was his inability to render his returns of payments.

Q. Was there any doubt in the mind of the Department about the solvency of the bond?—A. Yes, sir; very great doubt.

Q. Hayes was a good agent?—A. He was an excellent man. He had not been then long in the service, and it was a new business to him to take charge of so large an office in the terrible condition in which it was found.

Q. What sort of a special agent did Selye make?—A. Selye was a good agent.

Q. If this man had, as you stated, contributed, whether ignorantly or by intention, to force the Government to take \$7,000 instead of \$60,000, is it not singular that he should have been retained in that Department continuously from that time until now?—A. I think he went out of office for a while; but he is a good agent.

Q. Are you positive he has not been in office ever since?—A. I think not; but these appointments are made by the Post-Office Department proper, and mine is the Auditor's Office.

Q. According to your best recollection, was he dismissed from the service of the Post-Office Department immediately after those blunders, and in consequence thereof?—A. No, sir. I do not think he ought to have been dismissed.

Q. Don't you think a man who puts the Government at such a disadvantage that it must take \$7,000 instead of \$60,000 ought not to be retained?—A. He was an honest man, and a man who, in an ordinary case, would have performed everything required of him, and if he had had perhaps proper instructions, either from the chief special agent, Major Petheridge, or if he had placed himself more under the direction of Mr. Selye, who was a good special agent, and understood the postal business, he would have done better. What he did was a result of want of efficiency. He was not efficient for that particular place, or to take charge of an immense office like New Orleans. But at that time Mr. Hayes could have taken charge of a small office. There may have been efforts to get him to do this; sometimes there is an attempt of that kind. Mr. Hayes acted in the very best possible manner, as he thought, for the good of the Department, and the fault in what he did was a result of his want of experience in postal affairs, and not of a want of integrity.

Q. In reference to this statement of Mr. Selye's to you about that bond, do I understand from that that that bond was sent over into the room of one of your clerks prior to the settlement of the accounts of that office?—A. I will tell you how these things are done. When the Postmaster General for any cause removes a postmaster, or a postmaster resigns, the bond, which is in the custody of the Post-Office Department, is then sent to the Auditor. That is the regular routine, so that when a postmaster gets

out of office by death, resignation, or removal, his bond then becomes our property because the Auditor's Office must collect the balance due the United States.

Q. Do you remember, or, from the general routine of business in such cases, can you state, how long it would probably be, after the removal of this man Lowell at New Orleans, before that bond was sent from the Post-Office Department over to your bureau?—

A. A week or ten days. They make their reports weekly.

Q. Then it remains with you?—A. It remains with the Auditor.

Q. And so it was in this case?—A. Yes, sir.

Q. It never goes back again?—A. No, sir; it never goes back to the post-office.

Q. Do you know whether this went back or not?—A. I do not remember this case at all.

Q. You have no data by which you could refresh your memory as to how long it was before the bond would come to you?—A. I should presume a week or ten days.

Q. And before that it would be in the post-office?—A. In the post-office—the bond-room.

By Mr. CONGER:

Q. The original indebtedness was \$50,000?—A. Yes, sir.

Q. But the payments for two months and a half, in your judgment, which he actually had made, reduced the amount of that by a half, and put it down to \$25,000 or \$20,000?—A. It was an utter impossibility to say just what Lowell owed the Government. That could not be arrived at exactly. The Government is safe in all such cases, because it is his business to show how he does not owe it.

Q. Your present recollection of your estimate then is that it was \$20,000 or \$25,000?—A. Yes, sir.

By the CHAIRMAN:

Q. That is outside of the money-order account?—A. Yes, sir.

By Mr. CONGER:

Q. So that if the actual indebtedness should be as low as \$20,000, there would have to be the money-order account added to that?—A. Yes, sir.

Q. So that it would still make \$37,000?—A. Yes, sir.

Q. That is your understanding of the case?—A. Yes, sir; that is about the state of the case.

By Mr. HOSKINS:

Q. Did Lowell go out from the office of postmaster upon this defalcation appearing?—A. He was arrested and turned out, I believe, by the special agent. I do not know how long it was before Mr. Ringgold was appointed.

Q. Lowell did not discharge the functions of postmaster after Hayes and Selye took possession of the office?—A. No, sir.

By the CHAIRMAN:

Q. Has there been any defalcation since then in the New Orleans post-office, or any irregularity?—A. No, sir; Mr. Ringgold's accounts are all right, and Colonel Parker's are all right. There was a defalcation before by N. W. Taliaferro of thirty or forty thousand dollars.

By Mr. HOSKINS:

Q. When was he postmaster?—A. 1866, or along there. We have suits pending with him for a large amount.

By the CHAIRMAN:

Q. Was not Mr. Petheridge sent down there to inspect the accounts of Ringgold?—A. He was sent down to see about some irregularities. It never reached his account so as to make any trouble there. We are distinct from the Post Office Department. We know nothing of their transactions until it gets into the accounts. It is possible there may have been some irregularities, and a special agent sent down, and the money paid. That is the end of it with us.

By Mr. NEW:

Q. The transfer of a bond of a defaulting postmaster would not take place until after it was manifest and certain that there was a defalcation?—A. No, sir; it could not take place until after the act of removal. A man may be a defaulter and they will still have his bond.

Q. But the fact of his being probably a defaulter might be known and talked of a considerable period before it was fully determined and established that he was?—A. O, yes, sir.

Q. And the bond would remain in the Post-Office Department until he was removed?—A. It might be delayed waiting an appointment.

Q. Suppose there was a considerable period of time consumed in determining the

question whether he was or was not a defaulter, and that, in connection with the determination of that fact, the manner in which it should be settled up—whether it was to be by a compromise or not—was being talked of and considered, would the transfer of the bond from the post-office to yourself be as likely to take place where such a compromise was being attempted and would probably result as where it was intended to bring suit upon it?—A. The Auditor's Office would have no jurisdiction whatever over a compromise until the bond had been received by us, and until the man was out of office, and we had drawn a draft and failed to collect, and submitted the case to the Department of Justice for suit; so that, in this particular case, the bond must be with us before we could listen to a proposition for compromise. The man must be out of office and must be sued.

Q. Then, was there no fixed time or period after the party was removed within which the bond must be transferred to your Department?—A. Yes; nothing but the regulation of the appointment office.

Q. What is the regulation?—A. The regulation of the appointment office is this: They send us a weekly report of all the changes made of postmasters, ending Saturday. We get them by Tuesday or Wednesday. With that package comes the package of bonds—a bond with each report of change—and they are distributed. As the men go out of office the old bonds come to us and the new bonds are filed with the First Assistant.

Q. Those bonds are sent for the purpose of being sued on or being collected?—A. They are sent for the purpose of being filed in the accounts, so that if a suit is necessary we may have all the papers on which to bring it.

Q. There is no definite period, then, within which the bond must be filed?—A. No, sir.

Q. Is there or not considerable irregularity about that?—A. There is apt to be.

Q. Is it not more apt to be because it rarely occurs that a suit is instituted on the bonds?—A. No; that is not known by the appointment office. They do not know whether a suit is to be commenced or not. As soon as the new postmaster gets his bond on file the old bond comes to us. The appointment office has but one bond on file for each office, and that is the bond of the acting postmaster.

Q. Do you know whether, in this case, the successor was appointed on Lowell's removal?—A. It was some weeks before Ringgold was appointed after the arrest of Lowell, and after his being ejected from the office.

Q. The bond would not come to your office until after his successor was appointed?—A. After the successor was appointed and executes his bond, then the old bond of his predecessor, the outgoing postmaster, comes to us.

Q. May not that period, even, have extended into months in that particular case, that being a large office, and that matter of the investigation of the office going on for some time?—A. I could not undertake to say how long that was.

Q. But it is your opinion that it was some weeks after he was suspended before his successor was appointed?—A. Yes, sir; it must have been, because ordinarily it takes two or three weeks to get an appointment through.

Q. And during that period of weeks or months, as the case may have been, his bond would be in the Post-Office Department?—A. His bond would be in the First Assistant's Office—in the office of the chief clerk.

By Mr. HOSKINS:

Q. When a postmaster retires from any cause, and these bonds are transferred from the Post-Office Department into the Auditor's Office, is there no record of their being transferred from the First Assistant Postmaster-General's to your office?—A. I think he keeps no record at all.

Q. There is a record by which that may be found?—A. Yes, sir; I presume they have the date of the arrest.

By Mr. BLACKBURN:

Q. Please state again when the bond would come to your office.—A. It would not come to our office until the appointment of his successor was made and suit commenced. There could be no proposition for compromise, until the bond was received by us and the suit was commenced.

Q. There never was any suit commenced in this case?—A. Yes, sir.

Q. Was Lowell sued?—A. O, yes; they were all sued. Suit was brought, and was pending when the compromise was effected.

Q. On reflecting, do you not think that Hayes was in charge of that office for a month?—A. He may have been; I cannot tell how long. He may have been that long.

By the CHAIRMAN:

Q. Can you give any idea of the length of time?—A. I can tell by referring to our records, giving the exact time.

By Mr. DARRALL:

Q. You say that Mr. Taliafero was a defaulter; when was he a defaulter?—A. In 1866.

Q. Do you know of any other defaulting postmaster beside Mr. Taliafero? How was it about the postmaster that was postmaster in 1869—Smallwood?—A. He went out of office owing a large amount, and I think a portion of it is still in suit.

Q. Do you recollect any others that were defaulting postmasters?—A. No, sir; I do not. Taliafero was a defaulter for quite a large amount. Smallwood, I believe, still owes some.

Q. Was not another postmaster a defaulter—the one who held office between the two?—A. I do not remember any other postmaster there.

Q. How about the accounts of the present postmaster?—A. They are in excellent condition.

By Mr. CONGER:

Q. Where would we get records to show whether Taliafero was indicted, and what efforts were made to collect his indebtedness?—A. In my office.

WASHINGTON, D. C., May 18, 1876.

GEORGE W. FERGUSON sworn and examined.

Question. Where do you reside?—Answer. New Orleans.

Q. What is your occupation?—A. I have been employed in the custom-house since 1873.

Q. Are you still employed in the custom-house?—A. I was when I left New Orleans.

Q. Did you come to Washington on public or private business?—A. I came here to go to the Secretary of the Treasury to expose some frauds in the New Orleans custom-house; I also had some private business.

Q. When did you leave New Orleans?—A. I left New Orleans on the 12th of April.

Q. Had you been dismissed from your employment in the custom-house?—A. No, sir.

Q. Had you any falling out with any of the officers of the custom-house?—A. No, sir.

Q. Did anybody in New Orleans know that you were coming on here?—A. None but my family.

Q. None of the custom-house officials?—A. No, sir; they did not.

Q. Have you seen any of the officials since you have been here?—A. I have seen, not exactly a custom-house officer, but I have seen Mr. Ayer last Saturday night, at Willard's Hotel.

Q. Has anybody attempted to prevent your coming before the committee?—A. No, sir.

Q. Has anybody attempted to dissuade you from coming before this committee?—A. Mr. Ayer told me at Willard's Hotel on Saturday night that I was doing a very foolish thing; that Mr. Herwig had plenty of money, and he would bring a hundred witnesses in New Orleans to prove that they would not believe me under oath. He said as concerned Herwig he would not care; but, he said, "you hurt the republican party by coming here and testifying."

By Mr. CONGER:

Q. Who is Mr. Ayer?—A. I believe at the present time he is secretary to the chief of police in New Orleans.

Q. He is deputy marshal also?—A. I think so, but I would not be sure about that.

Q. Did you attach any importance to what Mr. Ayer said to you?—A. Yes, I did, some.

Q. Why did you attach importance to it?—A. He told me he was in the collector's office at New Orleans when they read a dispatch in some New Orleans paper. He said he was not certain, but he thought it was the New Orleans Democrat, and it said I was here to testify in regard to some consignment of guava jelly.

Q. Why did you attach importance to that conversation?—A. I told him that it would be a pretty hard thing for him to prove such a thing in New Orleans; that I had lived there since I had been a boy, and I defied Mr. Herwig, with all his money, to prove such a thing as that I would not be believed under oath.

By Mr. NEW:

Q. What took place at the custom-house when this dispatch came?—A. He said then that Mr. Herwig said that he could fix that all right; that he could prove that I could not be believed under oath; and he also said himself that he knew ten times more than I knew, and if it would only injure Mr. Herwig he would expose it, but it would not only injure him but the whole republican party of the State of Louisiana besides.

Q. Who was it that made that statement?—A. Mr. James Ayer.

Q. Who is he?—A. He is secretary to the chief of the Metropolitan police, and I think he is also United States deputy marshal; that is my opinion.

Q. Is he related to the marshal?—A. He was a brother-in-law of the marshal.

Q. Does the fact of his being a brother-in-law of the marshal make him an important man in your judgment?—A. Yes, sir.

Q. Is that the only reason why you attached importance to what he said?—A. Yes, sir.

Q. Why?—A. I think that he is posted in the custom-house ring, and I formed my opinion that they had sent him on here on some private business connected with it.

Q. What are your grounds for that opinion?—A. Just from the conversation that I have related that passed between him and me, I formed my opinion. This conversation with Mr. Ayer occurred at Willard's Hotel last Saturday evening, the 13th of May. I went in there and he called me and he said he wanted to see me before I left the hotel. He was talking to somebody then. It was some time in the evening, about seven or half past seven o'clock.

Q. Did he call you aside to have this conversation, or were there other persons present?—A. I think Mr. Jewell was sitting on the bench close by there.

By Mr. HOSKINS:

Q. Who is Mr. Jewell?—A. He lives in New Orleans, and I believe he is a clerk in the entry-room.

Q. Did you say or not that Mr. Ayer's remarks were regarded by you as a threat that you must not come before the committee?—A. I regarded it so; yes, sir.

Q. What impression did this conversation with Mr. Ayer make on your mind?—A. I made up my mind that he had a warrant for somebody's arrest, or that he came on business connected with this evidence.

Q. What evidence?—A. The evidence I was about to give.

Q. How did he know that you had evidence?—A. I do not know, unless he heard it in the collector's office in New Orleans.

By Mr. CONGER:

Q. Did Mr. Jewell hear this conversation between you and Mr. Ayers?—A. No, sir.

Q. Or any of it?—A. No, sir.

Q. Did any other person hear any of it?—A. No, sir.

Q. How many conversations did you have with Mr. Ayer in this city?—A. Only the one.

Q. Did you tell him you came here to testify before the committee?—A. No, sir; he seemed to know.

Q. You did not tell him?—A. I do not know as I did.

Q. Did you tell him?—A. I cannot say.

Q. Cannot you remember what occurred, and whether you told him or not?—A. I think I told him I had been subpoenaed from New York as a witness before this committee.

Q. Did you tell him what you proposed to testify?—A. No; I do not think I did.

Q. Or anything that you proposed to testify?—A. No; I do not recollect that I did.

Q. Did you tell him anything that would lead him to believe that you could make any exposures that were injurious to anybody?—A. No; I do not know that I did.

Q. Why should he have the idea that you could?—A. I suppose from the dispatch that they read in the New Orleans papers.

Q. Did he say anything about the dispatch?—A. He said he was present when Mr. Herwig was reading the dispatch in the custom-house.

Q. Did that relate to you?—A. Yes, sir.

Q. And no one was present when you had this conversation with Mr. Ayer?—A. No, sir.

Q. Did he use any threatening language to you?—A. No more than what I stated.

Q. What was that?—A. That Mr. Herwig was a man that had plenty of money.

Q. How came he to say that?—A. He said that I was very foolish, and he could bring a hundred witnesses in New Orleans to prove that they would not believe me under oath.

Q. How came he to say that?—A. In the conversation that passed between us.

Q. What led to that remark if you did not tell him anything that you were going to testify to?—A. I did not tell him anything; but he had read the dispatch in the New Orleans papers.

Q. What led him to tell you that you had not better testify, because they would prove you could not be believed under oath?—A. He did not say I had better not testify; he said I was doing a very foolish thing.

By the CHAIRMAN:

Q. Had he seen in the paper that you were going to testify?—A. Yes, sir; he had seen in some paper before he left New Orleans that I was going to testify.

By Mr. CONGER:

Q. Did it say what you were going to testify to?—A. In regard to cigars being smuggled through the custom-house at New Orleans as guava jelly.

Q. Did he repeat to you what the dispatch was?—A. No; at first he could not tell me the paper, but at last he said it was the New Orleans Democrat.

Q. Did he say what the dispatch contained?—A. No more than that—that I was going to testify about cigars being smuggled into the port as jelly.

Q. Then you cannot tell what particular conversation led him to say to you you were doing a foolish thing?—A. Nothing more than he said, "What are the democrats going to give you?" I told him that I did not expect they were going to give me anything, and I did not expect to ask them for anything. He said, "What are you going to do?" I said, "I am going to do what I have always done."

Q. Did he know what you meant by that?—A. He asked me what I had done.

Q. What have you done?—A. I raised cotton in Louisiana and I kept a country store in Louisiana.

By the CHAIRMAN:

Q. Did you understand from him that you would lose your place in New Orleans if you testified?—A. That conversation came up. I made the remark to him, "I guess they will cut my head off on the first of next month." He said, "I do not know, but if I was in their place I would do it."

Q. And then you said you would go to raising cotton?—A. No; I said I would do what I had been doing.

Q. And that was raising cotton and keeping a country store?—A. Yes, sir; raising cotton.

By Mr. CONGER:

Q. Did you get leave of absence when you left?—A. No, sir.

Q. Did the rules require you to?—A. I presume so, if a man wanted to keep his place.

Q. You were not discharged?—A. No, sir.

Q. And did not give them notice of your absence?—A. No, sir; I staid in the office up to three o'clock.

Q. And left without giving any notice?—A. Without giving any notice at all.

Q. At whose suggestion did you come here?—A. My own.

Q. Who else's?—A. Nobody's.

Q. Who did you talk with about it?—A. Nobody except my family, and my brother.

Q. Did you go to the Secretary of the Treasury when you came to Washington?—A. No, sir.

Q. Why not, if you left New Orleans to go to the Secretary?—A. I will state to you. When I arrived in Washington I knew no members of Congress personally. I had been introduced to Mr. Darrall on Canal street one day. I met him outside the Capitol and told him I would like to see him on some private business. He told me to come up to his room. I went to his room and I asked him to either take me to the Secretary of the Treasury or give me a letter of introduction to him, and I related to him my business. He said that he would do so. I then called to see him another day, but in the mean time I had got a dispatch from New York that my brother-in-law was sick, and I told him I would be obliged to go to New York for a few days. I went to New York, and I staid in New York until I was subpoenaed before this committee.

Q. When did you come to Washington the first time from Louisiana?—A. I cannot exactly tell you the date. I came up by steamboat to Cincinnati and was some nine days from New Orleans to Cincinnati. I think it was about the 23d or 24th of April.

Q. That is when you struck the city?—A. Yes, sir.

Q. And what day did you go to New York?—A. It was a Friday night that I got here, and I think I left on the next Monday or Tuesday night; but I would not be certain about it. I can tell by referring to some letters and papers.

Q. And you staid in New York until you were subpoenaed here?—A. Yes, sir.

Q. Is that all the efforts you made to get this communication before the Secretary of the Treasury that you left New Orleans to lay before him?—A. I intended after I got through in New York to come back.

Q. Is that all the efforts you made to get a hearing with the Secretary while you were in this city?—A. Yes, sir.

Q. You did not see the Secretary then?—A. No, sir.

Q. While you were in this city did you see anybody to whom you gave this information?—A. I saw Mr. Darrall.

Q. Anybody else?—A. Yes; I saw Mr. Cahoon, a gentleman who has known me since I was sixteen years of age.

Q. Was it about this business?—A. He asked me what I was doing here, and I told him the business I was on.

Q. Did you tell him you had come to see the Secretary of the Treasury?—A. Yes, sir.

Q. Who is Mr. Cahoon; is he a public man?—A. I do not know. He is in some office. He is the gentleman who came to New York and subpoenaed me.

Q. Did you tell him the substance of what you were going to testify?—A. I told him my business in Washington. I met him at the post-office.

Q. What did you tell Mr. Cahoon?—A. I told him that I came on here to expose the frauds of the New Orleans custom-house.

Q. Anything else?—A. No; I do not think there was anything else.

Q. Were those just the words you used?—A. I think so.

Q. Did not you give him any particulars?—A. No, I do not think I did.

Q. Did you tell him you were wanting to see the Secretary of the Treasury?—A. No, sir; I do not think I did.

Q. Did you see anybody else to whom you gave any such information about your objects here?—A. No, sir; I do not think I did.

Q. Then you came here to see the Secretary and expose these frauds, and with these efforts you left for New York?—A. Yes; I received a letter from New York that my brother-in-law was very sick. He has died since. I went on to New York.

Q. And those are all the efforts you made to see the Secretary on the only business that brought you North; I understood you came to Washington City for the express purpose of laying before the Secretary of the Treasury an explanation of the frauds in the New Orleans custom-house?—A. I had some private business—family business.

Q. Was part of that going to New York?—A. I would certainly have gone to New York after I got through here.

Q. When you left New Orleans you intended to go to New York?—A. Yes, sir.

By the CHAIRMAN:

Q. Was this family business in Washington or New York?—A. In New York.

Q. Is the reason you did not remain here longer that your brother-in-law was in a dying condition and you considered that more important than making these exposures?—A. Yes, sir.

Q. You felt that after he died you could come here and make these exposures?—A. Yes, sir.

Q. Did you acquaint Mr. Darrall with the facts and ask him to go to the Secretary of the Treasury?—A. Yes, sir; I had a conversation with him. I stated to him what I wanted to see the Secretary for. He said he would take me to Mr. Bluford Wilson, the Solicitor of the Treasury.

Q. Did he appoint a time to go?—A. No, sir.

Q. What day was that you saw Mr. Darrall?—A. I could not give the date now.

Q. Was it the day you arrived or the day you left?—A. I arrived on a Friday evening. I think it was about Monday I saw Mr. Darrall.

Q. What did you do all day Saturday? Why did you not go on Saturday to see the Secretary?—A. I walked around the city and saw the sights; visited the White House and the Capitol, &c.

Q. What day did you go to see Mr. Darrall, according to your recollection?—A. It was either Saturday evening or Monday, I could not say now for certain which.

Q. How long after you saw Mr. Darrall was it that you received this letter calling you to New York?—A. I think I got the letter Tuesday morning.

Q. And when did you leave for New York?—A. Tuesday.

Q. The same day that you got the letter?—A. The same day.

Q. And when you got to New York was your brother-in-law still ill?—A. Still ill.

Q. How long did you remain in New York?—A. I left New York last Friday.

Q. Had your brother-in-law died in the mean time?—A. He was buried a week ago Wednesday.

Q. When did you receive the subpoena?—A. On Sunday.

By Mr. REILLY:

Q. That was last Sunday a week?—A. Last Sunday a week.

By Mr. CONGER:

Q. Did you send any word to the custom-house authorities at New Orleans, where you were employed, before you left, about your leaving or your condition?—A. No, sir; not before I left New Orleans.

Q. Did you after you left?—A. Yes, sir; the next day my brother went up there and told them I was sick; that I was unwell.

Q. What did he say was the matter with you?—A. I do not know, I am sure.

Q. Did you leave any word or orders to anybody to say anything about your physical health?—A. I told my brother to go up the next day and tell them I was sick and unwell, and would not report for duty.

Q. Did you tell him to say to them what was the matter with you?—A. No, sir, I did not tell him. I had been unwell for about a week before that.

Q. Did you tell your brother or anybody else to make the statement to the authorities that you had the small-pox?—A. Not that I know of. I do not know what statement he made; but I did not leave any such statement.

Q. Did you know that that statement was made to the authorities?—A. Not that I know of.

Q. Have not you reason to suppose that it was?—A. No, sir, I have no reason in the world.

Q. Have not you heard since that that statement was made there; that the reason you did not perform your duty there was that you had the small-pox?—A. I do not know that I have.

Q. Have not you heard it since?—A. Mr. Ayer was talking something about my being sick; but what it was I don't recollect.

Q. Did he say anything about what disease you had down there?—A. I do not recollect his saying any particular disease.

Q. I ask you whether you have not heard from any source whatever that it was reported to the custom-house authorities that you did not come to take your place because you had the small-pox?—A. No, sir; I do not think I ever heard it before you have just mentioned it.

Q. About the small-pox?—A. No, sir; I do not think I have.

Q. But you did send word that you was sick?—A. I told my brother to go the next day and say I was sick.

Q. The next day after you had left?—A. The day I left.

Q. And that was the reason you did not report for duty?—A. I just told him to go there and say I was sick.

Q. Did you send that as a reason why you were not there to attend to your duties?—A. You might make it a reason or anything else. I just told him to go there and say I was sick.

Q. Was it your idea to send that word as an excuse for not being there and for not reporting for duty the next day?—A. Certainly.

Q. And you sent it at the same time that you knew you were starting for Washington and could not be there at any rate?—A. Yes, sir.

By the CHAIRMAN:

Q. Were you sick in fact?—A. Yes, sir; I had been unwell for some three or four days.

Q. Had you been at the office the day before?—A. I worked up to three o'clock, when the office closed.

Q. Were you too sick to go to the office, but well enough to travel, the day you left?—A. I should not have worked the day I left if I had staid in the city.

By Mr. HOSKINS:

Q. Then the word you sent down there that you were sick was for the purpose of deceiving the officials in relation to your real condition, was it?—A. They might take it as they pleased.

Q. That was the purpose—you wanted to get away, and took that course to get away?—A. I could have got away at any time.

Q. You intended to send that word down to the officials to conceal your purpose?—A. I did not wish anybody in New Orleans to know my business in leaving, else probably I never would have arrived in Washington.

Q. The word you sent down there was for the purpose of deceiving them?—A. So that I would be able to get away without anybody knowing it.

By the CHAIRMAN:

Q. Were you afraid of their interfering with your coming here?—A. Most undoubtedly they would have interfered.

By Mr. HOSKINS:

Q. You have related to the committee that you came here for two purposes—one was of a private nature and the other was of a public nature—and that the only public business you had was for the purpose of having communication with the Secretary of the Treasury, to inform him of certain frauds in the custom-house, and you have related the efforts you made to reach him before you went to New York. After you went to New York, did you make any efforts to have communication with the Secretary of the Treasury on this question?—A. I returned here on the subpoena.

Q. But after you returned?—A. No, sir; not since I returned.

By the CHAIRMAN:

Q. Did you regard coming before this committee as sufficient to carry out your purpose?—A. Yes, sir.

By Mr. HOSKINS:

Q. You were subpoenaed in New York?—A. Yes, sir.

Q. You have related all the efforts you made to see the Secretary of the Treasury?—A. Yes, sir.

Q. Had you ever at any time had any communications with any public officer connected with the Treasury—either Mr. Bluford Wilson or the Secretary himself—in relation to these frauds?—A. No, sir.

Q. Had you ever notified the public officials in the custom-house at New Orleans of your knowledge of these frauds?—A. Not much.

Q. You never did give them any information about these frauds?—A. No, sir.

Q. Nor any person connected with the custom-house?—A. No, sir; because they were all in the ring together.

Q. Then you say that you never at any time informed any of the officials, either the collector or the deputy, in the custom-house what knowledge you had of these frauds?—A. No, sir.

Q. Nor any official in the city of Washington connected with the Treasury?—A. No, sir.

Q. Have you had any communication with any person connected with the Internal-Revenue Department in the city of New Orleans?—A. No, sir; the internal revenue is a different branch of the service.

Q. Have you given the Commissioner of Internal Revenue, or any proper officer connected with the Internal-Revenue Department at Washington, any information concerning these frauds?—A. No, sir.

Q. You say that the language that Mr. Ayer used to you you regarded as intimidation or a threat?—A. Yes, sir.

Q. He said to you that he thought it would be a very foolish thing for you to say anything?—A. Yes, sir.

Q. Is not that rather mild language for a threat?—A. That part is; but you carry out the thing fully, where he came to speak about Mr. Herwig with all his money, and that he would procure a hundred men in New Orleans to prove I was not to be believed, that is intimidation.

Q. Then, so far as the foolish part is concerned, you did not regard that as a threat?—A. No, sir.

Q. But the part that Mr. Herwig would procure a hundred witnesses that would swear you were not to be believed, you regarded that as an intimidation?—A. I did.

Q. Did it alarm you?—A. No, sir; not much.

Q. Did it alarm you any?—A. No, sir; because I am satisfied I can prove my standing in New Orleans.

By Mr. NEW:

Q. At the time you had that conversation with Mr. Ayer at Willard's Hotel, did Ayer know then that you had been an employé in the custom-house in New Orleans?—A. Yes, sir.

By Mr. HOSKINS:

Q. Is Mr. Ayer in any way connected with the custom-house officially in the city of New Orleans?—A. He has been; but now, I believe, he is secretary to the chief of the Metropolitan police.

Q. Then he is not at present holding any official position in relation to the custom-house at New Orleans, so far as you know?—A. No, sir.

By the CHAIRMAN:

Q. Is not the marshal's office in the custom-house in New Orleans?—A. Yes, sir.

Q. And when you speak of custom-house officers, you mean the men in the custom-house?—A. I mean the custom-house proper—Casey's department.

By Mr. BLACKBURN:

Q. If I have understood you correctly you have stated this, and I will get you to say whether or not such was your testimony: that when you found Mr. Ayer was here, knowing that he was a deputy United States marshal and secretary to the chief of the Metropolitan police and a brother-in-law of Marshal Packard, the marshal of Louisiana, and when you met him and he told you that he was present in the custom-house when Herwig was reading the dispatch stating that you had been subpoenaed before this committee and coupled with this statement this threat, that you were doing a very foolish thing, for Herwig, with his money, could procure a hundred witnesses to swear that you were not worthy to be believed under oath. All these circumstances combined led you to believe that he was here with warrants either for the arrest of yourself or others, or to intimidate you from appearing to testify before this committee. Is, or is not, that your statement?—A. Yes, sir; I was under that belief; in fact I kept rather shady on Sunday.

Q. You say that you reached Washington for the purpose that you have stated, together with the attention you wished to give to your private affairs, on a Friday evening?—A. On a Friday evening.

Q. And that you left here on the following Monday or Tuesday?—A. I left here on Tuesday afternoon.

Q. And between those days you went to Mr. Darrall, a member of Congress from your State?—A. I went twice to him.

Q. And told him what you were here for, and that you wanted to see the Secretary

Q. Have not you reason to suppose that it was?—A. No, sir, I have no reason in the world.

Q. Have not you heard since that that statement was made there; that the reason you did not perform your duty there was that you had the small-pox?—A. I do not know that I have.

Q. Have not you heard it since?—A. Mr. Ayer was talking something about my being sick; but what it was I don't recollect.

Q. Did he say anything about what disease you had down there?—A. I do not recollect his saying any particular disease.

Q. I ask you whether you have not heard from any source whatever that it was reported to the custom-house authorities that you did not come to take your place because you had the small-pox?—A. No, sir; I do not think I ever heard it before you have just mentioned it.

Q. About the small-pox?—A. No, sir; I do not think I have.

Q. But you did send word that you was sick?—A. I told my brother to go the next day and say I was sick.

Q. The next day after you had left?—A. The day I left.

Q. And that was the reason you did not report for duty?—A. I just told him to go there and say I was sick.

Q. Did you send that as a reason why you were not there to attend to your duties?—A. You might make it a reason or anything else. I just told him to go there and say I was sick.

Q. Was it your idea to send that word as an excuse for not being there and for not reporting for duty the next day?—A. Certainly.

Q. And you sent it at the same time that you knew you were starting for Washington and could not be there at any rate?—A. Yes, sir.

By the CHAIRMAN:

Q. Were you sick in fact?—A. Yes, sir; I had been unwell for some three or four days.

Q. Had you been at the office the day before?—A. I worked up to three o'clock, when the office closed.

Q. Were you too sick to go to the office, but well enough to travel, the day you left?—A. I should not have worked the day I left if I had staid in the city.

By Mr. HOSKINS:

Q. Then the word you sent down there that you were sick was for the purpose of deceiving the officials in relation to your real condition, was it?—A. They might take it as they pleased.

Q. That was the purpose—you wanted to get away, and took that course to get away?—A. I could have got away at any time.

Q. You intended to send that word down to the officials to conceal your purpose?—A. I did not wish anybody in New Orleans to know my business in leaving, else probably I never would have arrived in Washington.

Q. The word you sent down there was for the purpose of deceiving them?—A. So that I would be able to get away without anybody knowing it.

By the CHAIRMAN:

Q. Were you afraid of their interfering with your coming here?—A. Most undoubtedly they would have interfered.

By Mr. HOSKINS:

Q. You have related to the committee that you came here for two purposes—one was of a private nature and the other was of a public nature—and that the only public business you had was for the purpose of having communication with the Secretary of the Treasury, to inform him of certain frauds in the custom-house, and you have related the efforts you made to reach him before you went to New York. After you went to New York, did you make any efforts to have communication with the Secretary of the Treasury on this question?—A. I returned here on the subpoena.

Q. But after you returned?—A. No, sir; not since I returned.

By the CHAIRMAN:

Q. Did you regard coming before this committee as sufficient to carry out your purpose?—A. Yes, sir.

By Mr. HOSKINS:

Q. You were subpoenaed in New York?—A. Yes, sir.

Q. You have related all the efforts you made to see the Secretary of the Treasury?—A. Yes, sir.

Q. Had you ever at any time had any communications with any public officer connected with the Treasury—either Mr. Bluford Wilson or the Secretary himself—in relation to these frauds?—A. No, sir.

Q. Had you ever notified the public officials in the custom-house at New Orleans of your knowledge of these frauds?—A. Not much.

Q. You never did give them any information about these frauds?—A. No, sir.

Q. Nor any person connected with the custom-house?—A. No, sir; because they were all in the ring together.

Q. Then you say that you never at any time informed any of the officials, either the collector or the deputy, in the custom-house what knowledge you had of these frauds?—A. No, sir.

Q. Nor any official in the city of Washington connected with the Treasury?—A. No, sir.

Q. Have you had any communication with any person connected with the Internal-Revenue Department in the city of New Orleans?—A. No, sir; the internal revenue is a different branch of the service.

Q. Have you given the Commissioner of Internal Revenue, or any proper officer connected with the Internal-Revenue Department at Washington, any information concerning these frauds?—A. No, sir.

Q. You say that the language that Mr. Ayer used to you you regarded as intimidation or a threat?—A. Yes, sir.

Q. He said to you that he thought it would be a very foolish thing for you to say anything?—A. Yes, sir.

Q. Is not that rather mild language for a threat?—A. That part is; but you carry out the thing fully, where he came to speak about Mr. Herwig with all his money, and that he would procure a hundred men in New Orleans to prove I was not to be believed, that is intimidation.

Q. Then, so far as the foolish part is concerned, you did not regard that as a threat?—A. No, sir.

Q. But the part that Mr. Herwig would procure a hundred witnesses that would swear you were not to be believed, you regarded that as an intimidation?—A. I did.

Q. Did it alarm you?—A. No, sir; not much.

Q. Did it alarm you any?—A. No, sir; because I am satisfied I can prove my standing in New Orleans.

By Mr. NEW:

Q. At the time you had that conversation with Mr. Ayer at Willard's Hotel, did Ayer know then that you had been an employé in the custom-house in New Orleans?—A. Yes, sir.

By Mr. HOSKINS:

Q. Is Mr. Ayer in any way connected with the custom-house officially in the city of New Orleans?—A. He has been; but now, I believe, he is secretary to the chief of the Metropolitan police.

Q. Then he is not at present holding any official position in relation to the custom-house at New Orleans, so far as you know?—A. No, sir.

By the CHAIRMAN:

Q. Is not the marshal's office in the custom-house in New Orleans?—A. Yes, sir.

Q. And when you speak of custom-house officers, you mean the men in the custom-house?—A. I mean the custom-house proper—Casey's department.

By Mr. BLACKBURN:

Q. If I have understood you correctly you have stated this, and I will get you to say whether or not such was your testimony: that when you found Mr. Ayer was here, knowing that he was a deputy United States marshal and secretary to the chief of the Metropolitan police and a brother-in-law of Marshal Packard, the marshal of Louisiana, and when you met him and he told you that he was present in the custom-house when Herwig was reading the dispatch stating that you had been subpoenaed before this committee and coupled with this statement this threat, that you were doing a very foolish thing, for Herwig, with his money, could procure a hundred witnesses to swear that you were not worthy to be believed under oath. All these circumstances combined led you to believe that he was here with warrants either for the arrest of yourself or others, or to intimidate you from appearing to testify before this committee. Is, or is not, that your statement?—A. Yes, sir; I was under that belief; in fact I kept rather shady on Sunday.

Q. You say that you reached Washington for the purpose that you have stated, together with the attention you wished to give to your private affairs, on a Friday evening?—A. On a Friday evening.

Q. And that you left here on the following Monday or Tuesday?—A. I left here on Tuesday afternoon.

Q. And between those days you went to Mr. Darrall, a member of Congress from your State?—A. I went twice to him.

Q. And told him what you were here for, and that you wanted to see the Secretary

of the Treasury, and he promised to go with you to Mr. Bluford Wilson, who is an officer in the Treasury Department?—A. Yes, sir.

Q. That you were then summoned by the extreme illness of your brother-in-law to New York, and went there sooner than you would otherwise have done?—A. Yes, sir.

Q. And that you remained there until your brother-in-law died, and were then subpoenaed as a witness?—A. Yes, sir.

Q. You returned under that subpoena, and that, in your judgment, relieved you from the necessity of making any further efforts to see the Secretary of the Treasury, or any other officer of the Treasury Department because your proof was then going to be given before this committee?—A. Yes, sir.

Q. And that is why you have not renewed your efforts to see the Secretary of the Treasury since you have come back here?—A. Yes, sir; I did not think it was necessary.

Q. You did not notify the United States officials when you left there that you intended to leave?—A. No, sir.

Q. On the contrary, I understood you to say you were desirous of keeping your purpose from them?—A. I am satisfied I would never have left at all if I had.

Q. Why did not you want them to know? State why you left intentionally concealing your purpose.—A. I do not believe that I would have left the city alive if I had told them.

Q. You have stated that you made no report to any officers of the custom-house or the internal-revenue bureau in New Orleans as to these irregularities and frauds that you were cognizant of having been practiced there—why did not you do it?—A. Because they are all in a ring together; they are all in one boat.

Q. Have you any reason to believe that these officials there were acquainted with the irregularities and frauds that had been going on?—A. Certainly, sir; they all knew it.

Q. You were satisfied they knew it already, and you would not be giving them any information?—A. Not a particle.

Q. Did you know of any place short of the Secretary of the Treasury or an investigating committee of Congress where you could make your statement with any expectation of its being acted upon?—A. That is the only place I knew of.

By Mr. HOSKINS:

Q. You reside at New Orleans?—A. Yes, sir.

Q. Since you have been subpoenaed before this committee have you not made a request that your evidence should not be given here, and that the committee should give you an opportunity to first return to New Orleans before you gave your evidence and to give your evidence there?—A. Since Mr. Ayer, at Willard's Hotel, told me about bringing these hundred men to swear they would not believe me under oath, I preferred to give my testimony in New Orleans, where I am known. That was my reason.

Q. Then you have stated to different parties that you preferred not to be sworn here and give your evidence here, but to give it in New Orleans, since you have been subpoenaed?—A. Yes, sir; but that is since last Saturday night.

Q. Did you assign that as the reason to the person to whom you made this request?—A. No, sir; I do not think that I did.

Q. Did you assign any reason for your preference for being examined at New Orleans?—A. No; only I preferred to be examined in New Orleans.

Q. Did you state any reason why you preferred to be examined in New Orleans?—A. No, sir.

Q. Did you say or not that the reason why you preferred it was that you would be there in possession of certain data to substantiate what you desired to say before this committee?—A. Yes, sir; I stated that by the invoices and the monthly reports, and the books in the custom-house in New Orleans, I could substantiate my evidence.

Q. And you assigned that as a reason why you requested to be examined in New Orleans rather than to be examined here?—A. I gave that as one reason.

By Mr. NEW:

Q. When you left New Orleans you did not leave there for the purpose of testifying before the committee here?—A. There was not such a thing organized then.

Q. You did not know you would be called upon to testify before the committee?—A. No, sir.

Q. What day did you leave New Orleans?—A. The 12th of April.

By Mr. HOSKINS:

Q. As a matter of fear or of intimidation, or anything of that character, it makes no difference to you whether you give your evidence here or at New Orleans?—A. I am satisfied that if I go down as a witness of this committee, nobody is going to touch me as long as I am a witness.

Q. It matters not whether you give your evidence here or there, except as a matter of convenience, and because you have not certain data there?—A. Yes, sir; I could substantiate my evidence better there than here.

By the CHAIRMAN:

Q. Did you have any reason to think that you would be held responsible, or that persons would attempt to punish you for coming before this committee as a witness?—

A. My opinion is that they would try to trump up some charge or other against me.

By Mr. DARRALL:

Q. You arrived here on Friday?—A. Yes, sir; I think it was Friday evening.

Q. Did you call on me that evening?—A. No, sir.

Q. What evening?—A. I think it was the next day I met you, out in front of the Capitol.

Q. And walked part of the way with me?—A. Yes, sir.

Q. And called at my room that evening?—A. Yes, sir.

Q. Did I make an arrangement to see the officers of the Treasury at my earliest convenience?—A. Yes, sir.

Q. What day did you then call on me after that?—A. I called at your room twice. I do not recollect the dates.

Q. You called on me on the Tuesday morning with a letter saying that your brother-in-law was ill, and gave that as a reason why we should not wait on the Secretary of the Treasury that day. Is that the correct version of what occurred?—A. Yes, sir.

Q. Do you recollect at one or the other of our interviews informing me that you had left New Orleans somewhat clandestinely on account of your fear of being interfered with on the way?—A. I think I told you so.

By the CHAIRMAN:

Q. State all the facts that you know with reference to any frauds in the custom-house at New Orleans.—A. I will have to begin at the beginning of '73. After I had been in the custom-house some two or three weeks I saw these frauds going on, and I made up my mind to take note of them, so that in case I was discharged, or if anything of that kind happened to me, I could keep my place.

Q. What department of the custom-house were you employed in?—A. In the cigar-room.

By Mr. HOSKINS:

Q. Is this jelly you have spoken of something you put in cigars?—A. It is guava jelly. It is put up in boxes of different sizes. It is put up in Havana. It is not made, I think, in any other part of the country except Havana.

Q. For what purpose is it used?—A. It is used as a preserve.

By the CHAIRMAN:

Q. What was your business in the custom-house?—A. To write the name of the ship on the stamp when the cigars came in, and then the cigar-inspector would sign his name, and would put these stamps on the cigar-boxes.

Q. How long had you been in this particular department?—A. Since the 1st of December, 1872, just after election.

Q. Have you always been in this same department?—A. Yes, sir. There were twelve cases in this matter I am speaking of now. They were all carded and sealed, just the same as cigars always come. The inspector discharging the steamship had orders to send twelve cases of merchandise to warehouse No. 6. The inspector saw that they were cigars.

Q. What was the inspector's name?—A. I really forget. I have got his name, but not here. He saw they were cigars, and sent them to the cigar-room. Mr. Herwig came down there and gave orders to keep the cigar-room locked up. After that, Mr. Ingalls came in with two men, and examined one case, case No. 3, which contained jelly. The other eleven cases contained cigars of the Excepcion brand.

By Mr. NEW:

Q. Who was Herwig, and who was Ingalls?—A. Mr. Ingalls is an examiner. At that time he was in Mr. Ong's office.

Q. In what capacity was the other man acting?—A. He is special deputy collector.

By Mr. HOSKINS:

Q. What office do you hold? By what name are you officially known?—A. I am employed in the cigar-room.

Q. Have you an official designation?—A. I think it goes under the laborers' roll.

Q. You get pay as a laborer?—A. I think so.

By the CHAIRMAN:

Q. What is your pay a month?—A. When I first went in there it was \$912 a year then they took off \$12 about a year ago, and on the 6th of November last they took off \$300 more, which put it down to \$600. Mr. Herwig came down stairs there on this particular occasion. He seemed to be excited, and ordered the cigar-room to be kept closed. The

two men that were working in there, Paul Dunbar and Joseph Grinnell, were told, about twelve o'clock in the day, that they might go home, that there was no more work for them that day. I met Mr. Ong, and he asked if I would do him the favor to go up on Tchoupitoulas street, and order some meat for him. I took the letter that he gave me, but I did not go up at that time. I came around again into the cigar-room, and Mr. Ingalls, George Washington, and James Morrison were in the cigar-room, examining case No. 3, which really contained jelly. When going out they gave me one of the boxes of jelly, a small box; I then went into the cigar-room, after they went out, and I pried open the bottom of three or four cases, and saw cigars, and took some out and smoked them. They were the Excepcion brand, some boxes of fifties and some boxes of hundreds. That day they did not get a permit for the delivery, but they got it the next morning. These twelve cases of merchandise were consigned to a man by the name of H. Huard. The next morning two drays came up and got these twelve cases. They went through Canal street, through Camp street, through Gravier street, in a roundabout way, to F. Masich's store, which was, I think, at 100 Gravier street. I also have the date and the ship which these goods arrived on, but I have not them here with me. I presume the manifest of the ship will have the full account of it.

By Mr. CONGER:

Q. State the number of these cases in which you found the cigars and smoked from?—A. I only smoked from one case. The bottoms of the cases all had large cracks in them, and you could see the cigar-boxes inside, but to satisfy myself I pried open one package.

Q. What was the number of that?—A. I think it was No. 9. They were a box of fifty of the Excepcion brand, Regalia Chicofina.

By Mr. HOSKINS:

Q. How many cigars did there purport to be in each case?—A. They held about 10,000 cigars each case.

By Mr. NEW:

Q. How many cases were there?—A. Eleven cases of cigars and one case of jelly.

By Mr. HOSKINS:

Q. These were imported cigars, and put up in boxes of fifties and hundreds?—A. Yes, sir; fifties and hundreds.

Q. They had to be stamped with the United States revenue-stamp?—A. They should have been.

Q. Before they were delivered?—A. Yes, sir.

Q. The whole invoice was invoiced as jelly?—A. Yes, sir; and passed and appraised as jelly.

By Mr. REILLY:

Q. Is that the irregularity you mean to state?—A. Yes, sir; eleven cases were cigars and one case was jelly, while they were all entered as jelly.

By Mr. CONGER:

Q. Why were they sent to the tobacco-room if they were classed as jelly?—A. Mr. Herwig said, to use his own words, "The damned fool ought to have sent them to No. 6."

By Mr. BLACKBURN:

Q. What did he mean—warehouse No. 6?—A. Yes, sir.

By the CHAIRMAN:

Q. Who runs that warehouse?—A. A man by the name of Thiel runs it, but it is supposed to belong to Mr. Herwig and his brother.

By Mr. CONGER:

Q. It is a Government bonded warehouse?—A. Yes, sir.

By the CHAIRMAN:

Q. Is it under the control of Herwig?—A. Yes, sir.

Q. Why do you think it is under the control of Herwig?—A. Because all the bonded warehouses are controlled by the collector.

By Mr. HOSKINS:

Q. I understood you to say these twelve cases were consigned to the first person you named.—A. Yes, sir; H. Huard.

Q. But when they left the custom-house they were delivered to F. Masich?—A. Yes, sir; to a cigar-dealer.

Q. This first person is a regular importer of jelly or cigars?—A. No, sir.

By the CHAIRMAN :

Q. Who is Masich ?—A. He is an importer of Havana cigars.

By Mr. BLACKBURN :

Q. Who is Huard ?—A. He is a man that has never been in any business, that I know of, in New Orleans.

By Mr. HOSKINS :

Q. You know him ?—A. Yes, sir ; he was a clerk in a cigar-store for a while, but I never knew him to be in business for himself.

Q. Was he a clerk in the cigar-store when these were sent ?—A. No, sir.

By Mr. NEW :

Q. What was the office of the man that sent them up the street ?—A. Mr. Ong is the appraiser.

By Mr. REILLY :

Q. When you went back to the cigar-room you found three men there ?—Yes, sir ; Mr. Charles Ingalls, George Washington, and James Morrison.

Q. Where they all employés of the custom-house ?—A. Yes, sir.

By Mr. NEW :

Q. Which one of all these men handed you the box of jelly ?—A. Morrison.

By the CHAIRMAN :

Q. Why was it that these cigars were brought to the cigar-room at all ?—A. Through a mistake of the inspector on the wharf. He had orders to send twelve cases of merchandise to No. 6, but there had been an order issued previous to that to send all cigars direct to the cigar-room, and not send them to No. 6. He saw these were cigars, and he sent them to the cigar-room.

By Mr. BLACKBURN :

Q. Whose order was that ?—A. Mr. Chapman, I think.

By Mr. DARRALL :

Q. State who he was.—A. He was a deputy collector.

By the CHAIRMAN :

Q. Where is he now ?—A. I believe he is in Philadelphia.

Q. Where was the fraud in the transaction ?—A. The fraud is in this way : On cigars the duty is \$2.50 a pound and 25 per cent. ad valorem, besides the internal-revenue tax of \$6 a thousand for the stamps ; while on jelly I think it is only 10 per cent., about, though I would not be certain about it. I do not think that jelly came under the act admitting fruit free, but I think there is only about 10 per cent. on it.

Q. What was there on it then ?—A. I think it was about 10 per cent.

Q. So that they were passing these cigars through the custom-house as guava jelly ?—A. Yes, sir.

By Mr. BLACKBURN :

Q. Have you ever made a calculation as to what was the difference to the customs-service between the tax that would be collected on the number of cases that you have named, if they were guava jelly, and what that tax would be if fairly paid upon that same amount of cigars ; how much was the Government cheated out of ?—A. This amount of cigars would weigh from 15 to 18 pounds per thousand. Regalia Chicofinas weigh 15 pounds a thousand. Regalia Chicofinas sell at \$65 a thousand in Havana. There were also Londres Especial. They would weigh 14 pounds a thousand. I will furnish the estimate to-morrow.

By the CHAIRMAN :

Q. Who were these invoiced to ?—A. H. Huard.

By Mr. CONGER :

Q. How were these cases marked ?—A. They were marked with the letter "H," and numbered from 1 to 12.

Q. What other mark was there to identify it ?—A. New Orleans ; that is all.

Q. Was there anything to state what was in them, or to indicate what the contents were ; were they marked cigars, or guava jelly ?—A. On the corner of the cases they were marked "Especial." They brand all their cases in the corner.

Q. They had on the outside the usual marks ?—A. Yes, sir ; and they were corded and sealed ; that is, there was a rope going around the four ends of the cases.

Q. There was nothing to hide the mark ?—A. No, sir.

Q. Was the case that had jelly in it marked jelly ?—A. No, sir.

Q. Was that marked cigars ?—A. Marked cigars ; marked Excepcion brand.

Q. Are you sure about the marks on all the cases?—A. Yes, sir; I examined them very particularly.

Q. Do you know what duty was actually paid on these cases?—A. The duty was paid as jelly.

Q. Do you know that yourself?—A. Yes, sir; I know that from the party that received it.

Q. Do you know it from the custom-house books?—A. Mr. Masich's clerk told me so.

Q. Do you know it from any examination of the custom-house accounts?—A. No, sir.

By the CHAIRMAN:

Q. What is the clerk's name?—A. I cannot think of the name now.

Q. Who is Masich?—A. He is a wholesale importer of cigars—a very large importer of Havana cigars.

By Mr. CONGER:

Q. What was the name of the ship?—A. I do not know, but I can furnish it, and I will also furnish the date.

By the CHAIRMAN:

Q. Try to remember, as near as you can, the year and the month.—A. It occurred a year ago last March.

Q. Did you call the attention of anybody to this?—A. No, sir; because it was pretty generally known among the officials there.

Q. Did you call the attention of anybody to this fraud?—A. No, sir; because they all knew it.

Q. [Repeated.]—A. Yes, sir; I told Mr. Darrall so here in Washington, some two or three weeks ago.

Q. Had you, previous to that, made this statement to anybody?—A. Yes, sir; to my brother.

Q. What is his given name?—A. Augustus.

Q. Where does he live?—A. New Orleans.

Q. When did you make it to him?—A. At the time we came up that night. We came up together, expecting the cases would be run out of the custom-house that night. We found they were not run out that night. They were taken away the next day.

Q. Did you speak of it to any one else before you saw Mr. Darrall?—A. I might have done; I do not remember.

Q. Would not you remember if you had narrated this to anybody else?—A. No, sir; I cannot think now; I might have done it.

Q. You cannot remember anybody else to whom you have related it?—A. No, sir; not at the present time; I cannot remember.

Q. You suspected some fraud was being perpetrated in the custom-house from what you saw there?—A. I did not suspect it; I knew it.

Q. You believed it?—A. Yes, sir.

Q. And you never gave any information to anybody about that fraud, although it happened a year and more ago, until you saw Mr. Darrall, except to your brother?—A. That is all.

Q. Was that brother a custom-house official?—A. No, sir.

Q. You never gave any information to any of the authorities of the Government of the alleged fraud up to this time?—A. No, sir.

By Mr. BLACKBURN:

Q. Why didn't you give information to the custom-house officials at New Orleans?—A. I did not wish to be discharged. I have a family.

Q. Did you have any other reasons for not bringing it to the knowledge of the custom-house officials at New Orleans?—A. I should have never communicated it to them because I knew they were all in the ring together.

By Mr. HOSKINS:

Q. Then you say that the reason you did not expose these frauds was because you would lose your place?—A. Yes, sir.

Q. And you thought your salary was a more important thing, in a moral point of view, than the exposing of corruption and rascality by public officials?—A. I thought more of the support of my family.

Q. You thought more of your salary?—A. The support of my family.

By the CHAIRMAN:

Q. Did you believe that if you gave this information to the officials in the custom-house that it would expose the frauds?—A. No, sir; on the contrary, I would have been immediately discharged.

By Mr. DARRALL:

Q. You say that they were all in a ring?—A. Yes, sir.

Q. State to the committee who you mean by "all in a ring"—what custom-house

officials? State their names and their positions, so that we can identify them.—A. Felix Herwig, deputy collector; Mr. Crawford, the entry clerk; Colonel Dillingham, the naval officer; and Thomas Ong, appraiser. That is before last May—a year ago this month. He had charge of the sugar, and liquor, and cigars.

By the CHAIRMAN:

Q. What reason had you for believing that these officers of the custom-house were in what you call a ring?—A. I have reasons to think so from the importers; one time Mr. Ong would collect the money and he would keep it all himself, and not divide.

By Mr. DARRALL:

Q. State what money, so that we can understand it.—A. The money for the weights on cigars, and any business from the cigar-room. This is what I heard from the importers. Mr. José Domingo, of 44 Canal street, told me that hereafter he should not pay Mr. Ong one cent; that he should take and divide the money himself and pay them, and not have any more trouble, because Mr. Ong, when he took the money, did not divide.

By Mr. HOSKINS:

Q. What do you mean by dividing the money? What money was it?—A. I will state to you. Whenever Mr. Domingo used to get an invoice of cigars, they would be invoiced, for instance, at 60,000, while there would be 100,000. The importer paid \$20 a thousand in that case for all over 60,000 to the ring, and Mr. Domingo would pay duty on the 60,000. The Secretary of the Treasury, after some trouble in the New York custom-house about some parties there selling custom-house stamps, changed the stamps. He had a stamp made for 75's, for 50's, for 100's, for 250's, and for 500's. Before that we used the same stamp on a box of 25 as on a box of 250. That is the custom-house stamp, not the internal-revenue stamp. After that law had changed they could not draw the stamps except for the amount of cigars really imported. If you had 100,000 cigars, and there were 40,000 in boxes of 50, and 60,000 in boxes of 100, the inspector of cigars would have to designate them as so many 50's and so many 100's, and draw the exact amount of stamps.

Q. Did the inspector draw these cigars from the main case and stamp all these boxes?—A. Each box is taken out of the case and a stamp put on the cigars.

Q. Is it not also the duty of the officer to put on the internal-revenue tax before they go into the importer's hands?—A. Yes, sir.

Q. What you mean by the money, then, is what the importer would have paid if the invoice had been a true invoice—the difference between that and what the invoice really was. If the invoice called for 60,000 and there were 100,000, the difference was 40,000 on which the importers would not pay duty?—A. He would pay \$20 a thousand on them to the ring. The duties would come to more than that. The duties came to as much as \$70 a thousand sometimes.

Q. Have you mentioned all the names of the ring among whom the division was made?—A. I think so.

By Mr. BLACKBURN:

Q. Was, or was not, the collector himself a member of this ring?—A. Not that I know of.

By Mr. HOSKINS:

Q. You have given the names of all you know now as in the ring?—A. Yes; I am speaking now of before May, 1875.

By the CHAIRMAN:

Q. Were there two rings; one before May, 1875, and one since?—A. Yes, sir.

By Mr. HOSKINS:

Q. You say the division was made between these parties?—A. Yes, sir.

Q. Was it an equal division?—A. It was; but Mr. Crawford would keep a permit some three or four days, and not deliver the cigars because Mr. Ong would get the money and not divide.

Q. But the division in the end was equal?—A. Mr. Domingo, the importer, told me himself that hereafter he would divide the money himself, so as not to have any trouble with the cigars.

Q. The division was equal?—A. Yes, sir.

Q. In this ring was there a paymaster? Did the money go into the hands of some one of them?—A. Thomas Ong did that part of the business. He is the one that collected the money from the importer. They finally got him removed on that account—because he would not divide fair.

Q. Were you present at the time this money was paid to these parties?—A. No, sir.

Q. Were you present at the payment to any one of the parties?—A. I decline to answer that question.

Q. For what reason?—A. I do not wish to state my reason at the present time.

By the CHAIRMAN:

Q. Are you afraid it would criminate you?—A. Yes, sir; it might criminate myself.

By Mr. HOSKINS:

Q. And that is the reason you do not wish to state about seeing money paid at any one time?—A. Yes, sir; I am not positive it would criminate me.

Q. Would you like to consult a lawyer to see if it would criminate you?—A. Yes, sir.

Q. Were you a member of this ring?—A. No, sir.

Q. Did you ever receive any money from this distribution?—A. I decline to answer that question.

Q. For what reason?—A. I would prefer to consult an attorney before I answer that question.

Q. Is it on the ground that it might tend to criminate yourself?—A. I do not know whether it might; I do not think it would; I wish to be satisfied.

Q. I wish you to state the reasons why you decline to answer that question?—A. I would prefer to have time to answer that question.

By Mr. NEW:

Q. When you say that you would prefer to consult an attorney, we understand you to mean that you would prefer to consult an attorney with a view to getting at what might be the consequence to yourself if you did answer?—A. Yes, sir.

Q. As to whether your answer would or would not criminate yourself?—A. Yes, sir.

By Mr. HOSKINS:

Q. I ask you if you think a true answer to that question would criminate yourself?—A. That is what I say, that I wish to get advice about first.

Q. Do you think in your mind that it would tend to criminate yourself?—A. I do not know about that. I do not want to answer one way or the other, because I have doubt about that.

Q. You fear that it might criminate yourself?—A. It might or it might not.

Q. If you have doubts on your mind, is that the ground on which you refuse to answer the question?—A. Yes, sir.

The chairman stated to the witness that the answer would not criminate him.

By Mr. HOSKINS:

Q. Have you ever received any money from this distribution?—A. No, sir.

Q. Before May, 1875?—A. No, sir.

Q. You did not receive any portion of the money to which you have referred here as having been divided?—A. No, sir.

Q. Did any one, for you, receive it?—A. No, sir; not for my benefit.

Q. Have you at any time received any money as a part of the proceeds of this distribution that you have described?—A. No, sir.

By Mr. CONGER:

Q. Have you received any hush-money of any kind?—A. No, sir.

Q. From anybody?—A. No, sir.

The chairman stated to the witness that he could safely say whether he was present when this money was received by any of these parties to the ring, without the testimony criminating him in any way.

The WITNESS. I saw the money paid to Mr. Ong in Mr. José Domingo's office. I saw the money paid by one party.

Q. By whom was the money paid to this party?—A. Mr. Domingo.

Q. What is his business?—A. A cigar-importer.

Q. How much money did you see paid over by this gentleman?—A. Six hundred dollars.

Q. Have you at any other time seen any money paid over by any of these importers into this fund?—A. Not that I recollect of now.

Q. This is the only occasion you have seen any money paid over?—A. Yes, sir.

Q. Were you the recipient in part of that \$600?—A. No, sir.

Q. Did the members of this ring suppose from anything you did or said that you were in sympathy with them, and acting in concert with them in these frauds?—A. Mr. Ong told them one day up-stairs that they need not be afraid of me; that I had a family to support.

Q. What led to this conversation; did this grow out of some conversation you had with Mr. Ong?—A. No, sir; it was a conversation that we had on the corner of the street.

Q. You had a conversation with Mr. Ong upon this subject on the street?—A. Yes, sir.

Q. Relate what that conversation was.—A. I don't recollect it.

Q. You recollect that you had a conversation?—A. Yes, sir.

Q. Do you recollect in part the conversation?—A. No; except that he told me he had told them up-stairs that I was all right, and there was no danger of my saying anything; that I had a family to support, and they need not be afraid of me.

Q. Had he any conversation with you upon that question before?—A. Not that I know of.

Q. Did he have any conversation with you in relation to this letter other than the conversation that you have related?—A. No, sir.

Q. Did he attempt to make any arrangement with you by which you should not go back on these men?—A. No, sir; but he gave me to understand that I was all right.

Q. But you say you never received any money or any other valuable consideration?—A. No, sir; not a picayune.

By the CHAIRMAN:

Q. Was it known to Mr. Ong that you had a family?—A. Yes, sir.

Q. How was your health, good or sickly?—A. I have been rather sickly the last three or four years.

By Mr. CONGER:

Q. Identify the time when the money was paid by Domingo to Ong.—A. I forget the date.

Q. As near as you remember it, give it.—A. I think it was about February, 1875.

Q. At what place?—A. In Mr. Domingo's store in New Orleans. The sum was \$600.

Q. Did you know then what the money was for?—A. Yes, sir.

Q. Did they say—was it from what they said that you knew?—A. From their conversation that I heard, and then Mr. Domingo had just got his invoice of cigars.

Q. Did they state what this was for themselves in your presence; and, if so, state what they said?—A. They did not state expressly what the \$600 was for, but it was understood what it was for.

Q. What was said to make you understand, outside from what was said there, what it was for?—A. I happened to go up there in Mr. Domingo's place, and they were just counting over the money. Mr. Domingo afterward made the remark, "Damn him, he always comes after me, and never gives me no chance at all." I said, "What for?" and he said, "For the cigars I got out yesterday."

Q. What else?—A. I had some cigars to smoke in the room.

Q. Was that all the conversation?—A. That was all the conversation I had with Domingo.

Q. Was that all that led you to believe that this was a payment of the \$20 a thousand?—A. I knew that was the rule, that was the bargain.

Q. You knew that before this time?—A. Yes, sir; before this.

By the CHAIRMAN:

Q. How did you know that was the rule?—A. I knew it from Mr. Masich, a cigar-importer; from Mr. Leon McCarty, a cigar-importer; and Mr. Domingo, a cigar-importer.

Q. Did the amount, \$600, that you say Mr. Domingo paid, correspond with the amount that the rule called for on the invoice of cigars the day before?—A. I forget the date, and the amount of cigars. I have not got it here.

By Mr. HOSKINS:

Q. You say this money was paid over in Mr. Domingo's office?—A. Yes, sir.

Q. How far is his office from the custom-house?—A. Just across the street.

Q. On the same street across the way?—A. Across the way.

Q. Did you hear anything said about this \$600? Is that all you know about it, what you saw in his office?—A. Yes, sir.

Q. Who were present?—A. Mr. Domingo, Mr. Ong, and myself.

Q. What was the year and month and the day of the month?—A. It was in February, 1875.

Q. Can you tell about what time in February?—A. I could not do it now.

Q. Was it the forepart of February or the latter?—A. I can find it.

Q. Have you related, in response to Mr. Conger's question, all that was said in that office concerning this money, and where it came from, what it was for, and to what parties it was to be paid?—A. I have related all that I heard.

Q. Do you know where that \$600 came from?—A. I saw Mr. Domingo pay it over to Mr. Ong.

Q. Do you know what he paid that \$600 for?—A. On that invoice of cigars he got on the day previous.

Q. Do you know of your own personal knowledge what that \$600 was paid to Mr. Ong for?—A. There was nothing said between the three of us; but Mr. Ong went down-stairs and went out.

Q. Was anything said in the presence of you and the other two men, what this money was paid him for by Domingo?—A. No, sir; not while us three were there; not till after Ong went down-stairs.

Q. If you had had no suspicion of the matter, you would not have derived from what went on there what the money was paid for?—A. No; I don't think I would.

Q. Did you at any other time after this meet these two parties and talk this money matter over?—A. No, sir.

Q. You say there was some conversation down-stairs. With whom was it?—A. I said Mr. Ong went down-stairs and Mr. Domingo and I had a conversation. There was nobody present but us two.

Q. Relate that conversation.—A. Mr. Domingo said, "Damn the fellow; he comes after me before I get the cigars open." I said, "What for?" He said, "I have just paid him for those cigars I got out of the custom-house yesterday."

Q. Is that all the conversation that occurred between you and Mr. Domingo?—A. We might have talked about some other things.

Q. What else was said?—A. We were talking about cigars.

Q. Was there anything more said in relation to this \$600?—A. I don't recollect now

By the CHAIRMAN:

Q. Did you understand from Mr. Domingo that this was duty on the cigars that he was paying Mr. Ong?—A. No, sir; it was for the overplus of cigars.

By Mr. HOSKINS:

Q. If there was any other conversation between you and Mr. Domingo on this occasion, relating to this \$600, except what you have already stated, state it.—A. No, sir; I do not think there was.

Q. How long were you in there, after Mr. Ong went out, with Mr. Domingo?—A. Probably twenty minutes.

Q. You don't know what Mr. Ong did with this money?—A. No, sir.

By the CHAIRMAN:

Q. Why did you believe that this \$600 was corruptly paid by Mr. Domingo to Mr. Ong?—A. From going up there and seeing him receive the money, and from Mr. Domingo's remarks after he left.

Q. How do you know that this was not a payment of the duty on the cigars?—A. Because Mr. Ong had no business to receive the duty on the cigars. The cashier up-stairs receives money for the the duty. This money was in greenbacks. The duties are paid in gold.

Q. Do you know whether the duties were paid on these cigars by Mr. Domingo to the cashier?—A. The duties on the amount of his invoice must have been paid before he could take them out.

Q. So that the duties were paid on the cigars?—A. Not the amount that the invoice called for.

Q. Do you know how many were invoiced in that shipment?—A. I have all those dates and the amount in New Orleans.

Q. Do you know whether Mr. Domingo was indebted to Mr. Ong in the sum of \$600?—A. No, sir; I don't think he was.

Q. Did he say he was?—A. No, sir.

Q. Did anything in Mr. Domingo's manner, as well as in his remarks, convey to your mind that this was extortion, or that this was getting money from him wrongfully?—A. Yes, sir; I judged so from Mr. Domingo's remarks.

By Mr. HOSKINS:

Q. Did you at any time subsequent to this conversation in the office of Mr. Domingo have any conversation with him upon this subject of the \$600?—A. No; I do not think I did.

Q. Did you have any conversation with Mr. Domingo before the payment of this money upon this subject of the \$600?—A. No, sir.

Q. Did you have any conversation at that time with Mr. Domingo in relation to this illegal importation of cigars?—A. No, sir.

Q. Did you at any time before this have any conversation with Mr. Domingo in relation to this illegal importation of cigars?—A. Yes, sir; we have often talked about it.

Q. What was said?—A. I cannot tell you. We have often had conversations about it.

Q. Did he admit that he was importing cigars illegally?—A. Yes, sir.

Q. To you?—A. Yes, sir.

Q. Did you have any conversations with Mr. Domingo, after the payment of this money, in relation to the illegal importation of cigars?—A. Yes, sir.

Q. What was that conversation?—A. He was talking about how Congress had met, and the thing would be put a stop to now.

Q. When was this \$600 matter?—A. That was in February, 1875.

Q. Have you from that time, February, 1875, till the meeting of Congress, had any conversation with Mr. Domingo about the illegal importing of cigars?—A. I might have. I cannot say.

Q. You don't remember any conversation now?—A. No, sir.

Q. But you do remember conversations that you had with him before?—A. Yes, sir.

By the CHAIRMAN:

Q. When did he tell you Congress had met, and it would have to be stopped?—A. This was this last December he told me.

By Mr. HOSKINS:

Q. You say that he had a number of conversations with you before the payment of this \$600. Relate that conversation.—A. I cannot recollect now. I used to see him every day or two, and would talk about one thing and another.

Q. You can give the committee some idea of this conversation.—A. We used to often talk it over when we met. I have met him probably ten thousand times.

Q. Did Mr. Domingo, in any conversation that he had with you before the payment of this \$600, admit the importation of cigars in this illegal manner which you have described?—A. Yes, sir.

By the CHAIRMAN:

Q. Did Mr. Domingo refer in any conversation with you to the fact that he was defrauding the Government in the importation of cigars, and by paying money corruptly to Mr. Ong and the custom-house officials?—A. Yes, sir.

Q. Did he do that more than once?—A. Yes, sir; a good many times. I could not state exactly how many.

By Mr. REILLY:

Q. Have you had any other reason or means of information for saying that this amount of money was illegally or corruptly paid other than the declarations of Mr. Domingo? I mean to ask whether your position in the custom-house afforded you any kind of knowledge on that subject, or whether you relied entirely upon what Mr. Domingo said to you for your information?—A. I relied principally upon what Mr. Domingo told me.

Q. You have no knowledge of the facts by reason or by virtue of your position in the custom-house?—A. I had knowledge of the fact of cigars being over the invoice.

Q. Is not that one reason, together with what Mr. Domingo said, that induced you to say to the committee that this money was corruptly paid?—A. Yes, sir.

Q. Do you think that the fact that you held a position in the custom-house, if it was known to Mr. Domingo, was a reason why he spoke to you in this manner, he supposing that you had already knowledge of these facts?—A. I think so.

Q. You think that was a reason why he made these declarations?—A. Yes, sir.

By Mr. CONGER:

Q. You say that Domingo admitted frequently that he made these corrupt invoices and payments?—A. Yes, sir.

Q. Did he talk freely with you about it?—A. Yes, sir.

Q. And talked as if you knew about it?—A. Yes, sir.

Q. Did he talk as if you had shared in it?—A. No.

Q. Did you ever tell him you knew about it?—A. In our conversations together we would talk about it.

Q. Can you remember those conversations?—A. I had so many with him that it is difficult to remember.

Q. Remember one, the first one you think of.—A. In one conversation I recollect having with him, he was grumbling about these men from up-stairs coming and taking three or four boxes of cigars to smoke after his paying them what he agreed to pay them. He said he did not think it was right for them to steal his cigars.

Q. Is that the language he used?—A. Yes, sir.

Q. Was there any other language on that occasion in that conversation?—A. I do not recollect any of the conversation at the present time.

Q. And that is all of that conversation?—A. We might have talked of some other things.

Q. I mean all that related to this subject?—A. Yes, sir.

Q. Can you give me the name of the vessel that had this importation in February, 1875, that you have referred to?—A. Yes, sir; I have got the date both of arrival and entry, and I will produce that to the committee.

By Mr. DARRALL:

Q. Are you informed as to the *modus operandi* or the processes, by regulation or whatever you may call it, in the custom-house, in regard to importing goods, what process goods of this description, namely, cigars, go through?—A. Some part of it.

Q. This wrong that you spoke of includes the entry-clerk, appraiser, and deputy collector and naval officer?—A. Yes, sir.

Q. Are those the officers that would necessarily have to be in collusion in order to defraud the Government?—A. Yes, sir.

Q. And that is why the wrong included those officers and no others?—A. Yes, sir.

Q. Does your knowledge or not include those and no others?—A. These are all that I have any knowledge of.

By the CHAIRMAN:

Q. Tell us now any other instance of fraud.—A. In the fall of 1873 Mr. Masich went to Havana. Before he went to Havana he said to me, "I have made arrangements up-stairs, and I am going to Havana, and I am going to import a large lot of cigars." He went to Havana some time in September, 1873, and returned in the latter part of October. He said he had made arrangements to get a large lot of cigars. His clerk told me that Mr. Herwig's brother had met him as he came off the ship and told him to have these cigars all sent to No. 6, and then he said, "You can take them out from there, and not let this other crowd in the custom-house know anything at all about it." The first name of this clerk of Mr. Masich is Isaac, and I know his last name, but I cannot think of it now. A lot of these cigars came to New Orleans, and Mr. Masich's clerk told me they took them out of No. 6 to Bailey's vinegar-factory on Bienville street, away back of town. Somebody there reported them to Mr. Kinsella, and Mr. Kinsella sent his deputy down—Hutchinson I think his name is—to see about it, and Mr. Masich's clerk was there in the vinegar-factory, and he told him, "If you get those cigars out of this place in one hour I won't seize them." The clerk said it would be impossible to get them out in an hour and asked him to give him three hours, as they were very large cases, and he would have to get floats to carry some of these cases on. They were seized, and came into the cigar-room to be examined, and among them were three cases that had been taken out of the custom-house with two stamps on them, the customs-stamp and the internal-revenue stamp, but the customs-stamp had been taken off, and these three cases came back to the custom-house with only the revenue-stamp on, and with Mr. Masich's signature on the stamp—"F. M." Mr. Ong asked me if I could not tear these revenue-stamps off or destroy that name. I tried to do it on two or three, but they stuck on so, and we had not much time, that I only took the stamps off two or three boxes. They were appraised, and then they were sold at auction. Here is a list of cigars that were then sold at auction, the finest brands that are imported in the United States, [producing a list.]

Q. Who was that sold by?—A. Sold by the United States marshal. All amounts of seizure over \$500 have to be sold by the marshal.

By Mr. HOSKINS:

Q. Who seized those cigars?—A. Mr. Kinsella's deputy.

By Mr. REILLY:

Q. Who is Mr. Kinsella?—A. He is special agent of the Treasury Department at New Orleans.

Q. Is he located there permanently?—A. He keeps his office there, but, I believe, he has control of Galveston and Mobile and Key West.

By Mr. HOSKINS:

Q. Who is this person that you said told another person that if he got these cigars out in three hours he would not seize them?—A. Mr. Kinsella's deputy told Mr. Masich's clerk that if he got these cigars out in one hour or two hours, he would not seize them. Masich's clerk told him it was impossible, as they were very large cases.

By Mr. REILLY:

Q. Who is the deputy of the special agent?—A. His name is Hutchinson.

By Mr. HOSKINS:

Q. Were these conversations in your presence?—A. No, sir; they were what Mr. Masich's clerk told me.

Q. You were not present at any of the conversations you have related?—A. No, sir; but I recognized three cases of these cigars after they were seized that had been in our room before, and had two stamps put on them, but the customs-stamp had been taken off. These seized cigars were sold. Mr. Masich, himself, told me that they had promised him up-stairs to give him their share. The collector, surveyor, and naval officer got a fourth of the seizure, and the rest goes to the Government. They agreed to give him their share of the seizure, but, I believe, the amount has not been yet paid by the Secretary of the Treasury. They told him they had not yet received the money from the Treasury Department.

By the CHAIRMAN:

Q. Did you ever see these cigars?—A. Yes, sir.

Q. When did you see them?—A. At the time they were seized.

Q. Who went there with you to see them?—A. They came into the cigar-room.

Q. Did you have any conversation with Mr. Masich, the owner of them, about them?
—A. Yes, sir; after the seizure I went to his store. He told me everything in the store was all right. He did not expect any trouble at the store.

By Mr. REILLY:

Q. Can you explain why three of these boxes had two stamps on, one of which was taken off?—A. Those three cases had been in the custom-house two or three days before, and passed there in the regular way, and had two stamps affixed to the boxes, and they were seized with this lot of cigars that was seized out at the vinegar-factory, but the customs-stamps had been taken off while the revenue-stamp remained on. Thereby we knew who the cigars belonged to, because we knew who took out the invoice three days before, and there were his initials on the revenue-stamp. As an importer, he was obliged to put his initials on every revenue-stamp.

By the CHAIRMAN:

Q. The balance of them did not get through the custom-house at all?—A. No, sir.

By Mr. REILLY:

Q. The fact that these that had gone through the custom-house were seized with these others that had not gone through showed what?—A. These were very common cigars that he had taken out before, and he had taken the customs-stamps off of them, and I presume had used them on a better brand of cigar.

By Mr. HOSKINS:

Q. Do you put a customs-stamp on each box of fifty or a hundred cigars?—A. Yes, sir; from twenty-fives to two hundred and fifties.

Q. What does that customs-stamp represent—the duty?—A. No, sir; it represents that they are imported and passed through the custom-house.

Q. There is no value to it then?—A. No, sir; the Government furnishes the customs-stamp.

Q. The customs-stamp only shows that they have been properly through the custom-house?—A. Yes, sir.

Q. When everything is proper, they are put into the bonded warehouse, and when the party to whom they are sent desires to draw them out he gets a permit to draw them out?—A. Yes, sir.

Q. But before they go out you have got to uncase them and put an internal-revenue stamp on each box?—A. Yes, sir.

Q. The thing that you want on is the sixty cents for each one hundred cigars?—A. Yes, sir.

Q. That is done by the Government officials, the person who has charge of the store-house?—A. Yes, sir.

Q. Then you rebox them?—A. We recasethem—yes, sir.

Q. The Government official recases them?—A. Yes, sir; and stamps on the outside of the case, with a stencil, "Stamped and inspected."

By the CHAIRMAN:

Q. Who do you say were interested in these unstamped cigars that were not passed through the custom-house, but were found in the vinegar-store?—A. They belonged to Mr. Masich.

Q. Was anybody else interested with him in those cigars?—A. Not that I know of. He told me he had fixed things all right up-stairs, but that on his return, Mr. Herwig's brother met him at the steamship-wharf and then he made new arrangements with him.

By Mr. HOSKINS:

Q. This is what the clerk told you?—A. Yes, sir; after Mr. Masich's return from Havana.

Q. How many cases were there in his whole importation?—A. I think there were thirteen cases seized.

Q. Only three of them were properly stamped?—A. Three had been properly stamped, but one stamp had been taken off; there were three cases of 5,000 each.

Q. These three cases went properly through?—A. Yes, sir; but they were forfeited like the others, because they had taken off the customs-stamps.

Q. They had taken them off one lot of cigars and put them on another?—A. I suppose so. I suppose they used them on other cigars.

Q. What did the invoice show as the importation that came into the custom-house for this lot of cigars?—A. These thirteen cases that were seized never came into the custom-house, but among these thirteen cases there were three cases that had passed through the custom-house a few days before they were seized.

Q. And they were not a portion, then, of the cases that came over in that invoice, which they attempted to get through without paying duty?—A. No, sir.

Q. That left ten out of the thirteen cases that were unstamped altogether?—A. Yes, sir.

Q. Have you any record in your department of the custom-house that these other ten cases ever came into the custom-house the cases that that had no stamps?—A. After they were seized they did; before they were seized they did not.

Q. Do you know whether or not they had been received in the custom-house?—A. Not in the custom-house, I think. They might have been received in No. 6.

Q. Do you know whether they were received or not in the custom-house where other importations first come?—A. No, sir.

Q. Importations that are taken off the ship are taken to these bonded warehouses sometimes, unless you have a permit to take them out, and sometimes they are taken into the custom-house proper?—A. Yes, sir.

Q. Is there any record of the shipment of these ten cases from Havana?—A. No, sir.

Q. It does not appear in the custom-house, as far as you know?—A. No, sir.

By Mr. NEW :

Q. Have you examined to see whether there is or not?—A. No, sir; I have not examined.

By Mr. HOSKINS :

Q. Do you know how these cases got up to the vinegar concern, or what ship they came in?—A. No, sir.

Q. Do you know how they got from the ship they did come on to the vinegar place?—A. Not exactly, but I could show to the committee in New Orleans the way they got there. I do not know, but I am under the impression that they were taken from warehouse No. 6.

Q. All that you know about how they got there is from the conversation you had with this clerk of Masich, in which he said that he had made arrangements to get them up there?—A. Yes, sir.

By Mr. NEW :

Q. Give your reasons for supposing that they were taken to warehouse No. 6.—A. From my conversation with Mr. Masich.

Q. What was said by him that made that impression upon your mind?—A. After they were seized he was greatly excited. He was cursing everybody in the building—in the custom-house. He said he had paid for them, and from that I concluded that they had come out of No. 6. I do not see how they could have taken them in any other way.

By the CHAIRMAN :

Q. Did anybody deny that he had paid for them?—A. No, sir. He was very much excited on account of their being seized.

By Mr. HOSKINS :

Q. Is the Government warehouse No. 6 under the charge of some one official?—A. There is a store-keeper there.

Q. And that store-keeper is a Government official?—A. Yes, sir.

Q. He has a key, and the only way of getting in is through him?—A. Yes, sir.

Q. What was the store-keeper's name at the time of which you have spoken about these cigars?—A. I think it was Betts.

Q. Do you remember his first name?—A. No, sir; I do not.

Q. Did any other gentleman have any right to go into that store-house?—A. Mr. Thiel did the business of the warehouse.

Q. What do you mean by that?—A. Kept the books, and collected the storage, &c.

Q. Was his place of business inside of this store-house?—A. Yes, sir; in the office.

Q. And Mr. Betts was the store-keeper who carried the key?—A. Yes, sir; but they have changed the store-keeper. They change him every week or two.

Q. Did Mr. Thiel also have a key by which he could go in and out of the store-house at his pleasure?—A. I do not know whether he had a private key or not.

Q. If Mr. Betts was the store-keeper at that time he would know whether these ten cases were in that store-house or not?—A. Yes, sir; from what Mr. Masich's clerk told me originally there was more than ten cases.

By the CHAIRMAN :

Q. Did he tell you there were?—A. These ten cases were very large cases. I made a remark to him about it, and he said there was a larger one that had about 38,000 cigars in it. That I never saw.

Q. Did you understand that this big one escaped seizure altogether?—A. Yes, sir.

Q. Do you know whether this big one was passed through the custom-house or not?—A. It was never passed through the cigar-room.

Q. Is Mr. Thiel related to the deputy collector?—A. I do not know, I am sure. I have always had an impression that the warehouse belonged to Mr. Herwig.

By Mr. REILLY:

Q. Did not you state that this warehouse No. 6 was under the charge of Mr. Herwig?
—A. They had two warehouses, No. 11 and No. 6.

Q. Whom do you mean by "they"?—A. Mr. Herwig and his brother.

Q. Did Mr. Herwig's brother hold any position in the custom-house?—A. Not that I know of.

By Mr. HOSKINS:

Q. Why did you say you were under the impression that those bonded warehouses, or one of them, had been owned by Mr. Herwig? Didn't you know that it matters not whether the Government or Mr. Herwig runs them, and still you want us to infer, because he owned one of these houses, that thereby he was in collusion with these people?—A. It is the general impression that No. 6 and No. 11 belong to them, but they do not run it in their own name.

Q. The absolute control, though, belongs to the Government?—A. Yes, sir.

By the CHAIRMAN:

Q. Do I understand you to say that Mr. Herwig was running the warehouses, as we say down there?—A. That is the way I understood it.

By Mr. HOSKINS:

Q. What do you mean by running it?—A. Leasing it.

Q. Does running it mean that he is the owner of it?—A. No, sir; I might rent a store and run it.

By the CHAIRMAN:

Q. Or you might get an agent of yours to rent a store and then you might run him?—A. Yes, sir.

Q. That is what you mean—that while Mr. Herwig was not the owner nor the lessee of the building, he nevertheless had everything to do with what was going on there?—A. Yes, sir; the general impression in the New Orleans custom-house is that he gets all the profits of No. 6 and No. 11 warehouses—the profits of the storage.

By Mr. REILLY:

Q. The collector has the right to send goods to certain warehouses?—A. Yes, sir.

Q. And you mean to say that he sent them to No. 6 and No. 11 in preference to others?—A. Yes, sir.

By Mr. HOSKINS:

Q. Haven't they a right to put goods into the bonded warehouses, and have them lie there without paying storage?—A. No, sir.

Q. Cannot they lie in a bonded warehouse without the payment of storage?—A. If you send anything to a bonded warehouse you have to pay storage. These bonded warehouses are all carried on by private parties.

By the CHAIRMAN:

Q. Who was the ostensible owner of warehouses No. 6 and No. 11; who is the lessee of those premises?—A. Thiel and Michel, I believe.

Q. Thiel owned which?—A. No. 6; that is my opinion.

By Mr. REILLY:

Q. The buildings themselves are owned by Mr. Herwig's brother?—A. The warehouses are properly owned by them; but they lease them in other parties' names.

By the CHAIRMAN:

Q. If you have knowledge of any other fraud, state it.—A. Mr. Masich bought all the cigars that Gonzales & Brothers had in their warehouses—between two and three hundred thousand cigars. Gonzales & Brothers got pretty tight for money, and could not raise money to pay their debts. Mr. Masich, after he bought all these cigars in their warehouses, brought them to the cigar-room to export them. There were some twelve or thirteen cases of them that came to the cigar-room, and they were shipped on the German steamship Hanover, to Havana. The idea was, Mr. Masich told me, to bring them back and run them through as old furniture or old clothes. Those were the remarks he made to me; but, I think, the time that these parties were in Havana, some parties in Havana wrote to the collector in New York about these cigars, and stated that they were stamped, and they were under the impression that it was intended to smuggle them into the United States. The collector in New York wrote to the collector in New Orleans, and that broke up that programme. They then shipped them on the Mexican line, per City of Merida, from Havana to Vera Cruz, and from

Vera Cruz to New Orleans. They were brought then to New Orleans, and entered as a new importation. I have the dates. The invoices will tell the amount of cigars that was exported, and the amount of cigars they entered for, which, I think, was something like seventy thousand, on their return to New Orleans. They were then reweighed and stamped to the amount of seventy thousand. These cigars had already been in the cigar-room before they were exported and weighed, and the customs stamp put on them, and then they were repacked and corded and sealed and sent to the warehouse. For instance, if a merchant gets twenty cases of cigars, he can have them brought to the custom-house, one stamp put on, have them reweighed, and then have them withdrawn, case by case, as he sees fit. Some of these cigars had been in the warehouse over three years, and, on the return from Havana the second time, there was one case of jelly among the others, and that also came to the cigar-room with them. The cigars were reweighed to the amount, I think, of seventy thousand and stamped. They got a man by the name of MacCarty to make the entry for them on their return.

By the CHAIRMAN:

Q. Continue your statement.—A. When these cigars came back again, Mr. Masich got Leon MacCarty to make the entry for him. He made the entry, paid the duties, and took them out to the amount of 70,000, but through this letter being written from Havana to New York it spoiled the game of running them into No. 6, and taking them out that way as intended. That was what I understood from Mr. Masich. I have got some of those cigars, and some of those boxes, which I can offer in New Orleans as evidence.

By Mr. HOSKINS:

Q. I understand you to say that on different occasions cigars have been imported by these men, Gonzales & Brothers, and that these cigars had passed regularly through the custom-house, and received the United States custom-house stamp, and had gone into bonded warehouse No. 6?—A. No, 6, and other warehouses.

Q. Where they were not liable to the internal-revenue tax until after they were withdrawn?—A. No, sir.

Q. While they lay in the bonded warehouse they were all sold by these men, Gonzales & Brothers, to F. Masich?—A. Yes, sir.

Q. Amounting, as you think, to 250,000?—A. Between 200,000 and 300,000.

Q. Have you any knowledge about the amount of cigars, or do you give that as simply an opinion?—A. I have a knowledge, but I could not tell the exact figure now.

Q. After these cigars were purchased by this person, he proceeded to put them back into the custom-house again for re-exportation, and he did so?—A. Yes, sir.

Q. And they were reshipped to Havana in the proper way?—A. Yes, sir.

Q. So far it was all legitimate and proper?—A. So far, yes, sir.

Q. They were reshipped to Havana, and while they were lying in Havana information came to the collector of New York that they were to be reshipped as old furniture?—A. No, sir; that they intended to smuggle them into the United States.

Q. These cigars, as you understand it, were then shipped to these different places which you have named?—A. They were shipped on the City of Merida, that runs from New York to Havana and Vera Cruz.

Q. And then they were finally returned to the United States at the port of New Orleans?—A. Yes, sir.

Q. And about 70,000 only were entered?—A. They made an entry of 70,000.

Q. Was that all the cigars that came in on this entry; was that the absolute number that came on this second importation?—A. No, sir; there were over 70,000.

Q. How many were there?—A. I have the amount, but I could not tell now.

Q. State to the best of your knowledge.—A. Some 60,000 to 80,000 over.

Q. Then there was about half of those entered for duty of the real importation?—A. Yes, sir.

Q. So that the importation was not the amount precisely that was shipped to Havana, whether they came in on the payment of duty or actually came?—A. No, sir.

Q. How do you derive your information about this 250,000 being exported?—A. Because they came in our department to be exported. The invoices in the custom-house will show them.

Q. All you know about these cigars, from the time they left New Orleans until they returned, is from what was told you?—A. Yes, sir; that is all I know.

Q. Were they exported on the same ship that they were imported in the last time?—A. No, sir; they were exported on the German steamship Hanover.

Q. I suppose the exportation will show the number of cigars?—A. Yes, sir.

Q. What was the name of the ship that these cigars came in on the second time?—A. The City of Merida.

Q. There was an invoice made on them on their return?—A. Yes, sir.

Q. How much did that invoice show?—A. I tell you I cannot tell exactly; somewhere in the neighborhood of 70,000.

Q. How do you know that more than 70,000, or more than were covered by the invoice, came back on that ship?—A. I recognized the cases that went. The same cases came back again.

Q. How do you know that there were more than 70,000 cigars imported at that time, supposing that to be the amount the invoice called for?—A. I know it, for they only put on stamps for 70,000, and there were three cases we never stamped at all.

Q. Where were those three cases?—A. With the 70,000; they already had one stamp, the custom-house stamp, before they went to Havana. The importer would put on the revenue-stamp himself.

Q. When they were imported back into the United States, did they have the revenue-stamp on?—A. No, sir; about 12,000 had a revenue-stamp when they were re-imported.

Q. Did all the boxes that went on that ship have the custom-house stamp on?—A. Yes, sir.

Q. The whole importation?—A. Yes, sir.

Q. You say there were about 140,000, but you do not explain how you know it was 140,000.—A. I counted them.

Q. Where?—A. In the custom-house cigar-room.

Q. How many came into the custom-house on that importation?—About 140,000 or 145,000.

Q. In the custom-house what was done with them?—A. There were 70,000 of them stamped.

Q. With what?—A. With the revenue-stamp; and also they put on another custom-house stamp. They had two custom-house stamps on them.

Q. What became of the other 70,000 after they came into the custom-house?—A. They were delivered with the 70,000 that the entry was made for.

Q. Right through the custom-house?—A. Yes, sir.

Q. And there were no stamps attached to these 70,000?—A. Only the custom-house stamp.

Q. The custom-house stamp was put on the whole of them?—A. Before they went to Havana; yes, sir.

Q. Were the 70,000 that the invoice called for stamped with a \$6 per thousand revenue-stamp before they left the custom-house?—A. Yes, sir.

Q. To whom were they delivered?—A. Leon McCarty.

Q. Were the whole 140,000 delivered to the same party?—A. Yes, sir.

Q. And at the same time?—A. Yes, sir.

Q. Seventy thousand were stamped with the sixty-cent stamp per hundred?—A. Yes, sir.

Q. The balance were not stamped?—A. No, sir.

Q. Did this come under your personal observation?—A. I saw it; yes, sir.

Q. Did you count all the cigars?—A. Yes, sir.

Q. And you have data by which you can tell precisely the number of cigars that came into the United States custom-house there?—A. Yes, sir.

Q. And you can tell precisely the number that were stamped before they went out?—A. Yes, sir.

Q. They did not get in the bonded warehouse on their return?—A. No, sir.

Q. But were delivered to this party?—A. Yes, sir.

Q. How many large cases were there?—A. There were eleven cases when they went, and twelve cases on their return. One case was a case of jelly.

Q. Did you count in each case how many cigars there were?—A. I presume some of the cases had 25,000, while in others there were not more than 10,000. There were different-sized cases.

Q. How many cigars were there altogether?—A. I think there were 140,000 or 145,000. I can tell you exactly by referring to my book.

Q. How were they brought from the ship to the custom-house?—A. On drays and floats.

Q. Were they all brought up at one time?—A. No, sir.

Q. What department should these cigars have first gone to on their arrival at the custom-house?—A. If the entry was proper, they should come right to our department.

Q. To what person should these eleven packages of cigars have gone to when they reached the custom-house on their return?—A. They are received by the storekeeper, who receipts the dray-receipt.

Q. His name was what?—A. John McCellan.

Q. Where should they go?—A. To the cigar-room.

Q. Who had charge of the cigar-room?—A. It is sent to the appraiser's department. The appraiser was Mr. Ong.

Q. Is there not some one who receipts them?—A. The storekeeper receipts for everything.

Q. Is there not an entry made when they come to your department?—A. No, sir.

Q. Does not the storekeeper sign for so many cigars?—A. He signs for so many cases. He is not supposed to know what is in the cases. It has such and such a mark.

Q. Do you say you counted these cigars any other way, except by the cases?—A. We took the cigars all out of the cases, and counted them.

Q. Then the fraud you claim is the number of cigars that went out of the United States custom-house there, over and above the 70,000?—A. Yes, sir.

Q. And the Government was defrauded out of the internal-revenue tax on that excess?—A. Yes, sir; and also there was the intended fraud, if the thing had not been exposed in Havana, of running them into No. 6.

Q. What year was this in?—A. In March, 1875.

Q. Did the same parties take these cigars out of the custom-house that were covered by the invoice?—A. Mr. Leon MacCarty made the entry on their return.

Q. To whom were they consigned in New Orleans the last time?—A. They were consigned to order.

Q. Not to any party in particular?—A. No, sir.

Q. Then they were sent up to the custom-house, and from the custom-house they were delivered to whom?—A. To Mr. MacCarty. He made the entry for them.

Q. Made the entry where?—A. In New Orleans.

Q. What do you mean by that?—A. If you take any goods out of the custom-house you have to make an entry.

Q. They were shipped to no person in particular?—A. They were shipped to order.

By Mr. NEW:

Q. Just how is that making of the entry done; what constitutes the making of the entry that you speak of?—A. You take your invoices, and the custom-house brokers make out the blank forms that you have to sign; and then you go to the entry-clerk. He signs it and gives you a transfer to have the goods shipped from the warehouse to the custom-house, or from the ship to the custom-house to be examined.

Q. Who made the entry?—A. Mr. MacCarty.

Q. Did he receive the cigars out of the custom-house?—A. Yes, sir. The permit was made out in his name.

Q. Do you know where they went to?—A. Yes, sir.

Q. Is he an importer?—A. He was, but he got broke about eighteen months ago.

Q. Was he an importer at this time?—A. No, sir; he has been broke.

Q. What was his business at that time?—A. Nothing except making entries of cigars for Mr. Masich.

Q. Where did the cigars go to after they were taken out of the custom-house?—A. To Mr. Masich's store.

Q. Did you see them in Mr. Masich's store?—A. Yes, sir. I think he has got some of them now; he had when I left.

Q. Who is this Mr. Masich?—A. He is a cigar-importer. He used to be on Gravier street; he is now on the corner of Camp.

By the CHAIRMAN:

Q. Has he got to be a rich man in these transactions?—A. Yes, sir.

Q. Was he a rich man five or six years ago?—A. No, sir; he used to be in the fruit business six or seven years ago. It is only within the last five years he has got in the cigar business.

Q. How do you know that he has got to be a rich man; what evidence of it does he give?—A. He has built a very fine house lately on Rampart street. He told me that he was going to quit business, to retire, and go to Europe.

Q. Has he got a large cigar-establishment?—A. Yes, sir.

Q. Is it one of the largest in New Orleans?—A. He has been the largest importer.

Q. You speak here of Gonzales & Bros.; were they prosperous men three or four years ago?—A. Three or four years ago they were, but about two years ago they lost a good deal of money.

Q. Did these frauds that Mr. Masich perpetrated break down the other cigar-men in the city?—A. It ruined the small importers, the small dealers, who would import 5,000 or 10,000 cigars.

Q. Mention some who were broke up; did you hear them complain about it, or do you know anything about the facts?—A. One man that was broke up was Mr. Santini. His book-keeper, who attended to his business, said that he could buy cigars \$10 a thousand cheaper than he could import them for, and he did not see how it was, for he could buy them as cheap in Havana as anybody else.

Q. Were Messrs. Gonzales & Bros. injured by these frauds of Mr. Masich; did they lose any money in cigars in consequence?—A. No, sir; because they were very large importers. They had all the cigars in the warehouse that Mr. Masich bought from them.

Q. How about Mr. José Domingo?—A. His importation has increased the last year.

Q. He has these facilities?—A. Yes, sir; he only imports a particular brand.

WASHINGTON, D. C., May 19, 1876.

GEORGE W. FERGUSON continued.

Mr. BLACKBURN, (in the chair.) You can continue your statement, Mr. Ferguson.—A. If I had my memorandum-book, &c., I could probably give more information in reference to those cigar frauds, but I haven't them with me. I wish to state here before the committee that the cigars and cigar-boxes, and my data and books, &c., are in New Orleans. I have not got them in my residence in New Orleans, but I have them in New Orleans, and I took the precaution before I left New Orleans to take them away from my house, because I did not want any burglar to visit my house during my absence from the city.

Q. Are you prepared to furnish the information that was asked of you yesterday with regard to the amount of duty. What was the difference between the amount of duty that ought to have been paid on that consignment of cigars of the quality you describe, and what was paid upon that shipment as guava jelly?—A. I will state that I am under the impression that under an act of Congress, the date of which I do not know, all fruits are admitted free into the ports of the United States, and I have an idea that jelly is included in fruits; therefore there would be no duty on jelly.

Q. I thought you said yesterday that it was your impression that the duty on jelly was 10 per cent.?—A. That was my impression, but since I have been thinking of it last night, I think jelly goes in under fruits, and there would be no duty on jelly.

Q. What was the aggregate of duty upon that shipment of cigars of the brands designated?—A. There were four cases containing 10,000 each of regalia Chicofinas in boxes of fifties. The cost of them in Havana by the price-current is \$70 a thousand but these large importers get them as a general thing at \$5 per thousand less; that would put them at \$65 per thousand. I am giving this as my opinion or conclusion. The weight on 40,000 cigars of the regalia Chicofina brand, would be 15 pounds to the thousand; that would be 600 pounds, at \$2.50 a pound, which would be \$1,500. Then 25 per cent. ad valorem on the cost of 40,000 cigars, at \$65 per thousand, would be \$650, making on those four cases, in all, \$2,150, in gold. The internal-revenue tax is \$6 per 1,000, and would be \$240.

By Mr. HOSKINS:

Q. When was this importation?—A. After the act of the 3d of March, 1875, when the internal-revenue tax on cigars was raised from \$5 to \$6 a thousand. Then there were two cases, containing Londres grande fina. They will weigh 15 pounds to the thousand making 300 pounds. The duty at \$2.50 a pound would be \$750. The ad valorem duty of 25 per cent. would be \$225. The internal-revenue stamps would be \$120 on 20,000 cigars at \$6 a thousand. I have now accounted for 60,000 cigars in cases. There were some Londres Especiales, and there were some regalia Britannicas. Regalia Britannicas will weigh from 17 or 17½ to 18 pounds a thousand. A great deal depends on whether they are fresh or whether they have been made three or four months. Then there were some Conchas, which weigh about 12 pounds a thousand. I wish it understood, on those 11 cases, that I did not open the 11 cases and examine or count all the cigars in those 11 cases. I only satisfied myself as to what they contained. I saw four cases with regalia Chicofinas, and I saw two cases with Londres grande fina, and I saw another case that had Londres Especiales, and I saw some Conchas and some regalia Britannicas. I am pretty well satisfied from the size of the cases containing these regalia Chicofina and Londres grande fina cigars, and from the brands that were on those cases, that I am right in regard to them. From my judgment, after seeing so many cases of cigars passing through—say 600,000 a month for over three years—I can generally tell how many thousand cigars there are in a case, from the size of it, providing I find out whether the boxes are twenty-fives or fifties or hundreds. The remaining 50,000 were mixed up. I should state that in my judgment the duties and the internal-revenue tax would come to about \$6,000 or \$6,500, including the difference between gold and greenbacks.

Q. Is that upon the other 50,000 you speak of, or upon the whole shipment?—A. Upon the whole shipment. These 60,000 cigars I speak of would come to \$3,485.

Q. And the aggregate amount upon the whole consignment in round numbers is what?—A. \$6,000 or \$6,500.

Q. That includes the internal-revenue tax?—A. That includes the internal-revenue tax; yes, sir.

Q. Can you furnish us now with the name of the vessel by which this shipment was made and the dates?—A. I have it in New Orleans, but I have not it here; no, sir.

Q. Have you been able to remember the name of Mr. Masich's clerk?—A. No, sir; I have not.

Q. You cannot do it here?—A. No, sir; it was Isaac something. He was Mr. Masich's nephew by his marriage with his wife.

Q. Have you anything else you want to say in reference to this shipment and the re-shipment of this lot of cigars?—A. In a conversation with Mr. Masich's clerk when these cigars were re-imported I made the remark to him, 'How the devil do you get up an invoice so quick?' I will state right here that some two or three months previous.

to this, Mr. Masich got a case of cigars and there was a bundle of the Havana invoice paper, a package of this size, about, [illustrating]. I said to him, "I believe you have got the American consul's seal from Havana." He laughed and said, "We know how to fix up these things." That was the remark he made. These cigars came back to order. That was the way they were shipped on the City of Merida; so I formed the impression that they had a seal of the American consul at Havana, from his conversation.

By Mr. CONGER:

Q. In that connection, state what you claim the fraud to have been in that re-importation and re-exportation of these cigars.—A. I claim the fraud to be this: These cigars had been regularly entered in the custom-house from different invoices and different ships, and some of them had been in the custom-house fully three years. To take them all out, it would take an enormous amount of money to pay the duty on them; and by exporting them to Havana and bringing them back, and having them passed in the warehouse as old furniture or household goods of no commercial value, they would be delivered, as they already had the customs-stamp on them, and all that was necessary for the importer to put on being the internal-revenue stamp. When he had that on them he could sell them. But on account of this letter being written from some party in Havana, stating to the collector of the port of New York, in regard to these cigars, that he believed that it was intended to smuggle them into the United States, the collector of the port of New York wrote to the collector of the port of New Orleans. In the mean time these cigars were on their way on this steamship that runs from New York to Havana, Vera Cruz, and New Orleans. It is a ship, in fact, that has never brought any cigars before or since, except this particular lot. They found that they would have to make an entry of these cigars when they arrived in New Orleans. They got Mr. Leon MacCarty to make the entry. In fact, they made it without his knowing it, and when he came there and saw an entry made in his name, the tears came into his eyes, and he said to me, "Masich wants to get me into trouble, and I am afraid I will go to the penitentiary."

Q. Were these cigars entered as cigars into the custom-house?—A. About 70,000 were.

Q. Then if they were entered and the duties paid on them, there was no fraud in the custom-house on these cigars?—A. They had more cigars than they made an entry for.

Q. You have not said there was any more landed than they made the entry for?—A. Yes, sir.

Q. Where were they landed?—A. They were all in the same cases, and the cases came to the custom-house.

Q. You mean there were less entered than were re-exported?—A. Yes, sir.

Q. They were entered on their invoices?—A. Yes; to be exported.

Q. The last re-importation of these cigars was on invoices?—A. The last importation of those cigars, they made out an invoice of somewhere in the neighborhood of 70,000. I am not positive about that, but it was near 70,000.

Q. Do you know that more than 70,000 were re-imported?—A. Yes, sir; by counting them. Some of those cases were almost as large as this table.

Q. Then the point is, that more cigars were actually received under that re-importation than the invoices called for?—A. Yes, sir; more than what they made an entry for, or what the duty was paid on.

By Mr. HOSKINS:

Q. Was not there a manifest that came over on this vessel stating the number of cigars shipped on it?—A. It stated 12 cases—the manifest that was published in the papers.

Q. Did the manifest include all the cigars that were shipped on that ship?—A. Yes, sir.

Q. So the manifest that was made out at Havana included the whole amount of cigars that were sent?—A. Yes; but it did not state the thousands; it only stated the cases.

Q. How many cases did it state?—A. Twelve cases.

Q. How many cases were there in reality?—A. There were 11 cases when they left, and 12 when they returned.

Q. How many were landed on the second importation?—A. Twelve.

Q. How many did the manifest state there were?—A. I have got the newspaper at New Orleans.

Q. That stated 12 cases?—A. I am not positive, but I think so.

Q. So that the manifest absolutely stated the number of packages that were imported in the last importation?—A. Twelve cases, "to order."

Q. So that the manifest of the cigars was correct; where does that manifest or a copy of it go after it leaves the port of New Orleans?—A. It goes to the custom-house.

Q. So that the manifest is in the custom-house of the port of New Orleans?—A. Yes,

sir; and the manifest of every ship that comes there. That manifest shows twelve cases of something. It might be cigars or merchandise.

Q. What did the manifest call for, cigars or merchandise?—A. I have got the newspaper in New Orleans.

Q. What do you say about it to the best of your recollection?—A. I cannot tell exactly, because I was watching out for these cigars to come back, and that is the reason I watched the manifest.

Q. What is your opinion?—A. I can produce the newspaper that had the manifest in.

Q. You told me before that the manifest showed there were twelve cases of cigars that came over?—A. I say that I am not positive about its being cigars or merchandise.

Q. What is your opinion about it?—A. I can show that by the newspaper.

By Mr. BLACKBURN:

Q. What is your opinion now about it?—A. I think it states twelve cases of cigars.

By Mr. HOSKINS:

Q. When an entry came to be made through the entry-clerk to take these cigars out of the custom-house the entries did not correspond with the manifest?—A. I do not say so, sir. You might put it down 20,000 and make an entry for 5,000 cigars or 150,000 cigars. When you produce the invoice of the amount of cigars you make an entry for so many thousand cigars.

Q. We have now got twelve cases into the custom-house that purported to be twelve cases of cigars?—A. No, sir; you have got eleven cases of cigars and one case of jelly.

Q. Who was this man that took that out?—A. Leon McCarty.

Q. What kind of an entry did Leon McCarty make in the custom-house; what entry stands on record there of McCarty's when he attempted to withdraw these twelve packages from the custom-house?—A. As I stated before, he made an entry of 70,000 or 75,000, I cannot be exact on the figures.

Q. How do you know that he made an entry of 70,000 or 75,000 cigars?—A. Because, sir, under a new regulation of the Treasury Department at that time, the cigar-inspector had to draw a requisition for so many customs-stamps. This requisition is signed by the appraiser and signed by a deputy collector, and then the stamps are drawn from the cashier of the custom-house. This requisition represents so many stamps of hundreds and so many of fifties and so many of twenty-fives, and the cigar-inspector draws his requisition from the account that the appraiser gives him, and how many thousand cigars there are, and how many boxes of fifty or one hundred or twenty-five, and he makes out his requisition.

Q. Is that all you know about the entry?—A. Yes, sir.

Q. So that so far as the entry itself stands you know nothing about it?—A. I know that much, that we would draw the stamps for the full amount on the entry.

Q. But the absolute entry, that was made by McCarty, you do not know anything about, except what you have described?—A. I know that we cannot draw stamps for more than what he had made for the entry.

Q. I asked you if you knew anything more about the entry that McCarty made, except what you have described?—A. I know this much: there were so many cigars in different cases that we did not touch, and that we did not stamp, therefore I knew there were more cigars than what he had made an entry for.

Q. Do you know anything more about the entry made by McCarty?—A. I think I have described it fully.

Q. You say that the letter was written by the collector of the port of New York to somebody?—A. Some party in Havana wrote to the collector of the port of New York notifying him about these cigars, and he said that he expected that they wanted to smuggle them into the United States.

Q. How do you know that?—A. From Mr. Masich. The collector in New York wrote to the collector of the port of New Orleans notifying him of it.

Q. How do you know that?—A. From Mr. Masich.

Q. So that you don't know anything about it from any person in the custom-house of New Orleans?—A. No, sir.

Q. You don't know it from Mr. Casey?—A. No, sir.

Q. All this information about letters written, &c., came from Mr. Masich?—A. Yes, sir.

By Mr. BLACKBURN:

Q. In making your statement about there having been more cigars brought in on that second importation than an entry was made for, have you predicated that statement upon the fact that there was a large proportion of that shipment that they did not handle at all in the way of putting stamps upon it as is required to be done upon every shipment of cigars for which an entry has been made in the custom-house?—A. That is exactly it, sir.

By the CHAIRMAN :

Q. To whom were these cigars consigned on the reshipment of them back to New Orleans?—A. They were consigned "to order."

Q. What is the meaning of that?—A. You order in goods from a foreign port and ship them to New York or New Orleans "to order." After they come there you produce an invoice of the amount and any name you wish to give on the bond and you take the goods out.

Q. Any party that produces the invoice can take them out?—A. Yes, sir.

By Mr. CONGER :

Q. I suppose that is done in cases where the party to whom they are sold is not known before the vessel reaches there?—A. It is very often done, particularly in the cigar business. When you read the newspaper you will see so many cases "to order."

By the CHAIRMAN :

Q. Do you know why that is done in that way?—A. No, sir.

By Mr. HOSKINS :

Q. Did McCarty produce the invoice when he came to make his entry?—A. I presume so, else he could not make the entry. I am not the entry clerk.

Q. You don't know whether he did or did not?—A. No, sir; he is the one that brought the order down to the inspector to have them stamped.

Q. You said a moment ago that when he came in he shed tears?—A. After he saw the entry and saw what kind of cigars they were, and that they were this old stock of Gonzales & Brothers, he then shed tears right in the cigar-room.

Q. How could he tell what cigars they were?—A. Because the cases were open and he saw the old custom-house stamp—the old blue stamp with the figure-head of General Grant on it.

Q. He had that invoice before he came there?—A. He had an idea that it was a new lot of cigars until he came and saw that it was this old lot of cigars.

Q. He had to have the invoice before he could enter them?—A. They procured him the invoice.

Q. Who did?—A. Mr. Masich, the owner of the cigars.

Q. How do you know Mr. Masich procured the invoice?—A. I am satisfied he did.

By the CHAIRMAN :

Q. Did Mr. Masich tell you so?—A. McCarty told me he was making an entry for these cigars, and Mr. Masich was going to give him \$5 a thousand for making it—that the cigars belonged to Masich, and they were some of Gonzales & Brothers' old stock.

Q. You got your information from McCarty?—A. Yes, sir.

Q. What was McCarty's regular business?—A. McCarty at one time used to be a very large importer, but he is completely broken up and has been for two years.

Q. Since that what has he done?—A. Since that he has been making entries of cigars for Masich. This last September he won a prize in the Havana lottery, and went over to Havana and bought 150,000 cigars on credit.

Q. You said yesterday that somebody said to you in the custom-house in New Orleans that all these irregularities would have to stop now, for Congress was going to meet. Who said that to you?—A. I have heard it from several, and from Mr. Masich for one.

Q. Who else?—A. I have heard it from several, but I cannot now think of the different parties.

Q. What did they say?—A. They said they would have to stop now until after Congress adjourned, but he said, "those fellows in the custom-house will need money for the election in the fall, and we will commence again in the fall."

Q. What was your salary?—A. When I first went there for two years and a half it was \$912 a year. About a year ago they took off the \$12 and on the 1st of last December they took off \$300, which left it \$600.

Q. Did you sign any pay-roll and receipt for your salary from time to time, while in the custom-house?—A. Yes. Before Secretary Bristow went into office each employé had a separate roll, and he signed it in duplicate. Since Mr. Bristow has been Secretary of the Treasury, there has been a large pay-roll for each department and you sign your name and they give you a check on the cashier of the custom-house.

Q. State whether you ever signed a pay-roll for more than the amount that you actually received?—A. No, sir, not more than I received myself.

Q. When your pay was \$912, and was cut down to \$600, the pay-roll was made up allowing you that amount according to the reduction?—A. It was first cut down \$12.

Q. Who took that off?—A. I do not know.

Q. Did you sign for \$912?—A. No, sir.

Q. You signed for \$900?—A. Yes, sir.

Q. Then when your pay was reduced from \$900 to \$600, did you sign the pay-roll of the custom-house for \$600?—A. It so stated on the pay-roll.

Q. So that in every instance that you can recollect you receipted for the actual

amount you received, and no more?—A. Yes, sir, as far as I can recollect; that is, since I have been working in the cigar-room.

Q. Well, before that, did you ever receipt for more money than you actually received?

—A. I went into the cigar-room on the 1st of December, 1872. Before that, I decline to answer about the pay-roll.

Q. Why do you decline to answer?—A. Because it might criminate myself. I would like to ask a question. Suppose a man had signed 40, 50, 60, or 70 pay-rolls, and the money had been drawn on those pay-rolls, is not that party liable to be prosecuted? I do not swear that I did or did not do it.

Q. Do you know whether fraudulent pay-rolls were made in the custom-house?—A. I have known and seen fraudulent pay-rolls. I can answer that.

Q. State in what year and month you have seen these fraudulent pay-rolls.—A. During the last presidential election—August, September, October, and a part of November.

WASHINGTON, D. C., May 20, 1876.

GEORGE W. FERGUSON, continued :

By the CHAIRMAN :

Question. You stated you had expressed some preference to be examined in New Orleans.—Answer. Yes, sir.

Q. Did you ever express that preference to the chairman of the committee?—A. No, sir; I do not think I have.

Q. We were examining you with reference to the pay-rolls you made out in the custom-house, and upon the assurance given you by the chairman of that committee, with the concurrence of the members of that committee, that your testimony could not be used against you, I would like you to proceed with the statement of what you know on that subject.

The WITNESS. Do I understand the chairman to say that if I was to state, for instance, that I had signed from forty to sixty pay-rolls with different names on them, although I do not say I will state that or not, it could not be used against me in a court hereafter?

The CHAIRMAN. I understand that it cannot be used against you, and I will instruct you, officially, as chairman of the committee, that that testimony, under the statute of 1862, cannot be used against you. If you perjure yourself, that is a different thing. You must tell the truth fearlessly and fully.

(The chairman then read statute 859 to the witness.)

The WITNESS. During the presidential campaign of 1872, in the summer and fall, I was on the post-roll. I received \$90 a month, and on the first of October a party brought to me, in a little office on the top floor of the Canal street side of the custom-house, between forty and fifty blank pay-rolls.

Q. Give the names of the people and the time and the place, as you make your statement.—A. General Sypher gave them to me.

By Mr. HOSKINS :

Q. Do you mean a single voucher, or a long pay-roll?—A. At that time each pay-roll was separate—each voucher.

Q. Each one represented one person?—A. Yes, sir. This was about the 1st or 2d of October, 1872, I think. He gave me a list of names, and told me to sign them all with those names, and fill in any other names I could think of. I signed different names that came into my mind. He came back and I put a piece of elastic around them, and he went off and got a big pile of money and came back and gave me mine for the last month, \$90, and gave me some money to give to other parties that I had signed for. I do not know that there is anything more about that.

By Mr. CONGER :

Q. Will you describe the character of one voucher?—A. They are printed in about the size of a sheet of letter-paper. They were not filled up. I merely signed in duplicate, twice on both sides, and with these vouchers Mr. Sypher went off and got the money.

Q. You do not know, of course, what Sypher did?—A. I know he went off to get the money.

Q. Describe the papers so that we can find them; was it printed paper or blank paper?—A. It was printed; I could not tell you all that was on it.

By Mr. CONGER :

Q. What was printed on it; is there anything by which we can identify the paper?—A. There is an oath printed on it.

Q. What else?—A. It is left open to be filled in, whether the man is a night-inspector or a day-inspector, or a laborer, or a clerk. There was a blank space for that to be filled in.

Q. Is there any heading to it, or was there any printing on it except the blank and the oath?—A. There is the blank to be filled in with a pen.

Q. Is there any printing except the oath?—A. I think there is; I could not repeat every word that is printed on it.

By the CHAIRMAN:

Q. Describe it, so that if we want to find the paper we should know what to look for.—A. You should look for the pay-rolls of October, 1872.

By Mr. CONGER:

Q. There must be something more than the printed oath?—A. There is something else; yes, sir.

Q. What was that?—A. I could not relate to you all now.

Q. Was it a shipping-bill?—A. No, sir; nor a washing-bill.

Q. What did it purport to be?—A. To be a pay-roll.

Q. In what department?—A. That has to be filled in hereafter.

Q. In what branch of the Government service; did it not have some heading to show that?—A. It showed the custom-house—collector's department.

Q. Was it headed "Custom-House Department"?—A. I suppose so.

Q. Do you know?—A. Yes, sir; they were just like pay-rolls that I have drawn my pay on myself.

Q. Will you tell what was printed on it?—A. It is impossible for me to tell all that was printed on that.

Q. What oath was printed on it?—A. It is that you have not received any presents or anything of that kind, except your salary, and have not given anything for your place. I would not be positive about that, but it is a long oath. The custom-house employes never take much notice of it; they just sign it.

Q. You do not remember it because you never noticed it much?—A. I have no doubt I have read it over probably twenty times, but I could not relate the whole thing to you.

Q. Have you sworn that oath when you have received your pay each month?—A. No, sir; not any more than to sign the pay-roll in duplicate.

Q. You were not sworn?—A. No, sir.

Q. You did not sign that oath?—A. I signed the pay-roll in duplicate.

Q. Was that oath on it?—A. Yes, sir.

Q. On the pay-rolls you signed?—A. Yes, sir.

Q. But you never paid much attention to the oath?—A. I have read it over different times.

Q. You could not repeat it?—A. Not very well.

Q. You signed it twice, you say?—A. Each one of these pay-rolls you signed in duplicate.

Q. They were two distinct papers?—A. Two. One, I suppose, remains in the New Orleans custom-house, and the other is sent on to Washington.

Q. What did it say just before you signed; what print was there where you signed; what did it purport to be that you signed?—A. It purported to be a sort of receipt for the money.

Q. Was the amount of money filled in the pay-roll?—A. No, sir.

Q. Whose name did you sign?—A. A good many.

Q. Give me one.—A. I think I signed some "Brown."

Q. What Brown?—A. I signed whatever names came into my head at the time.

Q. If you can remember what you signed, tell me.—A. I cannot remember them all.

Q. Give me one name?—A. I probably signed some "Jones."

Q. Do you know you signed some "Jones"?—A. I rather think I did.

Q. What given name did you give to that Jones?—A. I could not state, because it is a long time ago, and I just signed them with whatever names came into my mind at the time.

Q. You knew you were violating the law in doing that?—A. I did not know whether I was or not.

By the CHAIRMAN:

Q. Did not you feel you were doing something wrong in making up those names?—A. I suppose I did do wrong in doing it.

Q. Did you know then you were violating the law of the land in signing these names?—A. I knew it was not right to do so.

By Mr. CONGER:

Q. Or did you think you were doing what it was your duty to do, or what you had a right to do?—A. I suppose I thought I was doing all right.

Q. You did not know you were violating the law in forging a man's name to a paper?—A. I did not look at it in that light—as a forgery.

Q. What light did you look at it in? What did you think you were doing then?

Had you any authority to sign any man's name there, from the man whose name you used?—A. Some names I do not suppose you could find in New Orleans.

Q. Had you any authority from any man to sign a name you used?—A. I had authority from some men that were on that post-roll to collect their money, and bring it down to them.

Q. Were the names of such men as that, that gave you authority, any that you signed?—A. There were some men that belonged to the opposite party that were on that roll that did not desire their names to appear there.

Q. Had you authority to sign their names from the men whose names you used?—A. I had no written authority.

Q. Had they authorized or requested you to do it?—A. They authorized me to collect their money for them and bring it down.

Q. Did they authorize you to sign whatever papers were necessary to get their money?—A. That was understood.

Q. Were these the names of that class of men that had requested you to collect their money for them and sign their names?—A. Some of them are.

Q. How many were of that class?—A. I could not tell you right now.

Q. Give me as near as you can how many; you say there were a good many that you signed; how many of those you signed were persons who authorized you to collect their money for them and sign their names?—A. I do not recollect.

Q. Were there one, or two, or a dozen?—A. There were three or four, I think; I would not be positive.

Q. Can you remember the names of any of those that authorized you to sign their names?—A. To collect their money; yes, sir.

Q. Give me their names.—A. Thomas Fernan, register of voters in the Seventh ward.

Q. Give me another.—A. William Nikoll, register of voters in the Sixth ward.

Q. Give me another of those that requested you to collect their money.—A. I think I collected for Benjamin Leggett, but would not be positive about it. I know I gave him some money, but I would not be positive whether I signed his name.

Q. Can you remember any others now whose money you collected at their request?—A. I think a man by the name of Joseph Archer, who lived in the Seventh ward.

By the CHAIRMAN:

Q. You signed their names on the pay-roll?—A. I signed some of these names, and for some of these parties that did not wish their names to appear I signed fictitious names. I cannot recollect exactly.

By Mr. CONGER:

Q. You say that you filled out these vouchers from a list which was given you partly, and partly you added names that were not on the list?—A. Yes, sir.

Q. Did you add any names that were not on the list, except of persons who had requested you to collect their money, either in their own names or some name for them?—A. I signed a good many of these rolls.

Q. You say you signed some with their real names, and you signed some fictitious names for other persons who had requested you to collect their money; did you sign any more vouchers than were enough for those persons that had requested you to collect their money in some way?—A. Yes, sir; I think I did.

Q. You say the money that was paid for those whose names you signed was paid to you?—A. I took the money down in an envelope.

Q. When the man came back with the money he paid you for the names you had signed?—A. No; it was paid to me for certain parties—certain parties who wanted me to collect it for them. He paid me, myself, first, \$90.

Q. That was your regular salary, your monthly salary?—A. Yes, sir; he paid me \$90.

Q. That was your true salary?—A. I do not know; I was not working in the custom-house.

Q. That was before you went into the custom-house?—A. Yes, sir. This was before the campaign.

Q. Then you signed a voucher for yourself for \$90?—A. Yes, sir.

Q. But you were not at work in the custom-house?—A. No, sir; I was electioneering.

Q. And you were not connected with the custom-house business then at all?—A. No, sir.

Q. And this oath that you signed on the paper pretended you were a custom-house officer?—A. I presume so; yes, sir.

Q. And you receipted in that way?—A. Yes, sir.

Q. What did you do with the other money that he gave you to distribute?—A. I distributed it to the parties that he named to me.

Q. You distributed it to the men whose names you had signed?—A. The money that he gave me to distribute I distributed to the parties that he told me to deliver the money to.

Q. It was those you had signed?—A. I had signed for them.

Q. Did you distribute it all?—A. Yes, sir.

Q. Did you take a receipt?—A. No, sir; not from them.

Q. What evidence have you that you did not keep the money yourself?—A. From the men themselves.

Q. But you did not take any receipt?—A. O, no.

Q. What evidence have you that you did not keep the money he gave you to distribute to other men?—A. I have plenty of evidence, not only from those parties but from other parties that were running around me all the time and asking me to get them on the pay-roll.

Q. But you say you signed fictitious names for real parties?—A. Yes, sir.

Q. What evidence have you got when you drew the money on these fictitious names that you paid it to these parties?—A. I did not draw the money myself from the cashier.

Q. But you received it from this man?—A. Yes, sir.

Q. What evidence have you to show that you paid it to the real persons for whom you had signed fictitious names?—A. None except from the gentlemen themselves.

Q. How much did you receive there besides your own \$90?—A. Some of them got \$90, some \$60, some \$50; I could not tell you the exact amount.

Q. How much in all did you receive?—A. Each man's was put separate in an envelope. Then his name was put on the envelope. I delivered the envelope to these parties, and they would open it before me, and probably we would go over and take a drink somewhere, or something of that kind, so I knew that they got the money.

Q. But you took no evidence from them that you had paid it to them?—A. No, sir.

Q. What was the gross sum you received there at that time on this false-voucher account?—A. I could not tell you. I had some seven or eight envelopes; I could not tell you exactly.

Q. And what, about, would the amounts range?—A. Some got \$50, some \$60, some \$90, according to what they were considered to be worth.

Q. You had probably some eight or nine of these different warrants?—A. Yes, sir. One I know in particular that I took had only \$35 in it, and he grumbled.

Q. Was that all you signed a voucher for?—A. I stated before, in regard to the vouchers, that the amount on each one of these vouchers was not filled in. These were merely blank pay-rolls.

Q. But they were signed and receipted; the signature was a receipt for some money that could be filled in afterward?—A. That sum could be put in afterward.

Q. That was the object of it, then—to receipt for some sum to be filled in the blank?—A. That was the object.

Q. And you think you had eight or nine of these, varying from \$35 to \$90?—A. Yes; of these envelopes that I delivered.

Q. And with this money?—A. Of the envelopes with the money.

Q. Did you put the money in the envelopes yourself?—A. No, sir; but I sat alongside of the gentleman that did put it in.

Q. Were there more envelopes than you delivered?—A. Yes, sir.

Q. There were other envelopes besides what you delivered?—A. Yes, sir; he gave some to another party to deliver.

Q. Was the other party present?—A. Yes, sir.

Q. Who was he?—A. William McLean.

Q. What was he then?—A. He was engaged in the same business that I was.

Q. Where did he live?—A. He lived on Washington avenue.

Q. You say McLean was present?—A. Yes, sir.

Q. Is he now in New Orleans?—A. No, sir.

Q. Where is he?—A. He is dead.

Q. Who else was present?—A. Only us three.

Q. That is, with this man Sypher—is that the man who was member of Congress?—A. Yes, sir.

Q. Then there was also McLean, who is dead, and yourself?—A. Yes, sir.

Q. Are some of these persons to whom you gave this money living?—A. Plenty of them. I can give you their residence, I think, if you wish it.

By Mr. HOSKINS:

Q. These are not pay-rolls; these are vouchers as evidence of the payment of money?—A. We used to call them pay-rolls.

Q. They were really vouchers, which was the evidence of the payment of money to some parties; they were not a general receipt, but were blanks?—A. Yes, sir.

Q. There is no writing on these vouchers, except the name that you signed?—A. On those that I signed at the time I signed, that was the only writing; but there is a blank to be filled in.

Q. When these blanks came to you there was no writing on them whatever?—A. No, sir.

Q. You signed at the bottom of what purports to be a receipt?—A. Yes, sir.

Q. You signed the name of the party?—A. Yes, sir.

Q. That was on the face?—A. Yes, sir.

Q. What did you sign on the back?—A. The name.

Q. You signed the name twice on each?—A. Yes, sir.

Q. You signed it on the front to indicate the signing of a receipt. What did you sign it on the back for?—A. These are duplicates, and you sign them in two places—on the front and on the back.

Q. A duplicate is two forms?—A. They are cut in two; one part is kept there and the other part is sent to Washington.

Q. They are double sheets?—A. Yes, sir.

Q. And each half sheet is precisely like the other half sheet?—A. Yes, sir.

Q. You signed a receipt on one, and a receipt on the other?—A. Yes, sir.

Q. Really there were two blanks there on one sheet?—A. Yes, sir.

Q. And you signed a receipt to each, which made a duplicate?—A. Yes, sir.

Q. That is what you mean by saying you signed on the back?—A. Yes, sir.

Q. You signed at the bottom of each half sheet?—A. Yes, sir.

Q. That purported to be a receipt?—A. Yes, sir.

Q. There was no name filled in?—A. No, sir.

Q. Was there any name on the blank up higher?—A. No, sir.

Q. Was there any name entered in the receipt?—A. There was no name entered on it, except what I wrote myself.

Q. And you did not enter any name?—A. No, sir.

Q. So that this was a blank piece of paper, with a name you put on it, with some printing?—A. Yes, sir.

Q. After you signed them, what did you do with them?—A. Folded them all up, and put a piece of elastic around them.

Q. What did you do with them then?—A. Gave them to General Sypher.

Q. Is that the last you saw of them?—A. Yes, sir.

Q. You do not know what became of them after that?—A. It was understood he was to get the money on them.

Q. But you do not know what became of these receipts afterwards?—A. No, sir; not at all.

Q. After they were folded up and delivered to General Sypher he brought you a sum of money?—A. He brought back a big pile, I do not know what amount, in bulk, and it was put in envelopes all straightened out.

Q. Did he put a certain amount of money into an envelope for every party whose name you had signed and give it to you?—A. Not for every party, but only, as I say, for some seven, eight, or nine.

Q. Did that seven, eight, or nine cover all the persons whose names you had signed?—A. No, sir, I do not think it did.

Q. Do you know whether it did or not?—A. I know it did not cover all that I had signed.

Q. He did not give you money in these envelopes to cover all the parties whose names you signed?—A. No, sir; because he gave some to McLean.

Q. You have told to whom you paid this money?—A. Yes, sir.

Q. Whose name did you sign to whom you did not pay money, or to whom you did not hand one of these envelopes?—A. I cannot recollect that.

Q. Can you recollect one name that you signed to these blank vouchers to whom you did not pay money as you have stated?—A. No, sir; I could not recollect now, because I just signed the names that came into my mind.

Q. You cannot identify a single, solitary voucher?—A. I can identify them by my signature on them.

Q. You cannot identify now a single, solitary voucher by giving the name of any parties, except those you have named, and you have told us all the names that you can recollect?—A. Yes, sir.

Q. And those parties you have named you gave money to?—A. I gave money to those I have stated.

Q. You say on some of those vouchers that you signed you did not sign the name of the real party who received the money, but some fictitious name?—A. Yes, sir.

Q. Was this at the request of the party whom you paid the money to?—A. Yes, sir.

Q. He requested you not to let his name be known, but to sign a fictitious name?—A. Yes, sir.

Q. All the fictitious names you signed you signed at the instance of the men who asked you to draw the money?—A. No, sir; I say I signed a good many; I cannot recollect them all.

Q. The names of the parties to whom you paid money, for whom fictitious names were signed, were signed at the request of the party who took the money?—A. In some instances.

Q. Where you signed other names than the real name, and the man got the money, did you sign at his request?—A. There are others, but I cannot think of their names now. I did business for a good many of them, and I cannot think of them all.

Q. You have given us certain names to whom you paid money, and for whom you signed not their real names, but fictitious names. I ask you in regard to the parties for whom you signed fictitious names, and received this money, if you did so at their request?—A. Yes, sir; that was understood; they did not wish their names to appear on the pay-roll, some of them—not all of them.

Q. You signed other vouchers on which you did not pay the money?—A. Yes, sir.

Q. Did you sign the real names of those parties?—A. I signed some name; I did not know whether it was real or fictitious.

Q. How did you get those names?—A. I took some from a list, and for others the list did not have any name on, and I would fill them up myself. There were two of us signed them.

Q. Those that you signed were from a list?—A. Not all of them, only some of them.

Q. Did you sign any names of persons who did not exist?—A. Yes, sir.

Q. Names of persons who are not in the world, and were not at that time?—A. They did not live that I know of. If I had known that, I would not have signed their name.

Q. What name did you sign of that character?—A. A good many.

Q. Give us the name of one.—A. I could not say.

Q. Give us the name of one person other than those you have related, for whom you signed a fictitious name.—A. I could not say the man did not live. There might have been such a person.

Q. But to your knowledge?—A. Not to my knowledge.

Q. Give me the name of one you did not know was living.—A. I think I signed a name, William Brown, as far as I can recollect.

By the CHAIRMAN:

Q. Were those names that were signed by you to these pay-rolls at the custom-house the names of men actually at work in the custom-house?—A. No, sir; they were not at work in the custom-house.

Q. Were any of them names of men employed in the custom-house?—A. No, sir.

Q. How did you know that these were the pay-rolls of the custom-house? Have you derived any information since, as an officer in the custom-house, which enables you to say that these were the pay-rolls of the custom-house?—A. Yes, sir; after I was appointed in the custom-house, I got the same kind of a pay-roll to sign before getting my money.

Q. Who presented these pay-rolls to you to sign?—A. General Sypher brought them. It was in his office.

Q. Who was General Sypher at that moment; was he a candidate for office?—A. He was a candidate for office.

Q. What year was that?—A. 1872.

Q. What month?—A. When I signed these pay-rolls it was the 1st or 2d or 3d of October—just about the first of the month.

Q. After you signed these pay-rolls, you say that General Sypher brought money back where you were?—A. Yes, sir.

Q. Do you know whether the amount of the money corresponded with all the money that was on the pay-rolls?—A. There was no stated amount on the pay-rolls; the pay-rolls were in blank.

Q. Entirely in blank?—A. Yes, sir.

Q. Do you know that there was any consideration that these men who received the money gave for it or rendered for it? What did they do to entitle them to this money, if they were not laborers in the custom-house?—A. It was considered money for election purposes.

Q. Can you state, from any information that you have, what sort of election purposes it was, who were the candidates, and what tickets were out to be supported by these men?—A. These men were only to support the one man, General Sypher; they were not asked to support anybody else.

Q. What was generally the politics of these men?—A. Liberal republicans and democrats.

Q. Have you any idea how many of these names you wrote during that fall?—A. No, sir; I could not state the exact number, because there were two of us at it.

Q. Who was the other man at it?—A. William McLean.

Q. How long were you at it?—A. Three or four hours.

Q. More than once?—A. Only once.

Q. Were you writing about as hard as you could, or taking it gradually and slowly?—A. We were taking our time.

Q. How many names do you think you could have written in that time, or did write in that time, to the best of your recollection?—A. I could not say. I should say between forty and sixty on those rolls.

Q. Have you any information of anybody else, besides Mr. McLean, being engaged in making up similar rolls?—A. No, sir.

Q. Do you know of anybody else receiving money on such rolls besides the parties

you have indicated already; did not you hear of other people who were engaged in the same business?—A. I heard of other people receiving money; yes, sir.

Q. How do you suppose, or what knowledge have you of the way, in which these pay-rolls were passed through the custom-house, and the money actually paid on them?—A. These pay-rolls are taken to the custom-house auditor, and then you get a check on the cashier.

Q. What is done by the custom-house auditor?—A. He takes them and sees that they are signed, and then he gives you a check, and you take that check to the cashier and draw your money.

By Mr. STEVENSON:

Q. This was in 1872 that this occurred?—A. Yes, sir.

Q. What number of fictitious names did you have on that roll?—A. I stated that I could not state the exact number.

Q. About what number?—A. I could not tell you.

Q. Were there as many as fifty or one hundred fictitious names?—A. No, sir; there was not as many as that, because I had a list to fill up a part of these rolls.

Q. About how many were there that were fictitious—the names of persons that did not exist?—A. I could not tell exactly.

Q. As many as twenty or thirty?—A. Not as many as that, I do not think.

Q. What was the object of paying this money to them, and of having these fictitious names on the roll, and drawing money there?—A. These parties that were receiving the money were supposed to have some influence.

Q. Some influence in the election?—A. Yes, sir.

Q. Whom were they required to exert that influence for?—A. For General Sypher.

Q. He was a candidate for Congress at that time?—A. Yes, sir.

Q. Do you know what amount of money was drawn there by these fictitious persons that was used for electioneering purposes?—A. No, sir; I have no idea of it.

Q. What were these men required to do that actually got the money?—A. Some of them were registers of voters, and others were prominent men—to take sailors out of boarding-houses and vote them. Some were men that were supposed to get fraudulent registration-papers, and vote all the papers they succeeded in getting.

Q. The money was used for electioneering purposes in 1872?—A. Yes, sir.

Q. You were not yourself an actual employé at the custom-house at that time?—A. No, sir.

Q. But you received \$90 a month for your services in electioneering for General Sypher?—A. I received \$90 a month for about three months.

Q. That was for your service in electioneering for General Sypher and others on the same ticket?—A. It was so understood. I was president of a club in that district.

Q. And you had rendered no service to the Government whatever?—A. No, sir.

By Mr. CONGER:

Q. Did you sign any fictitious name except where you signed for some actual person who was to get this money?—A. I do not recollect; I do not remember that.

Q. If you did, and the money was given to you where there was no real person representing that fictitious name, what did you do with the money?—A. I delivered it to the parties that I was told to deliver it to.

Q. Did you sign names or receive money for purely fictitious persons, or only for real persons to whom you had given fictitious names?—A. I do not remember; I signed a good many; I cannot remember them all.

Q. Do you know of any where you signed for purely fictitious names and persons both?—A. I know of fictitious persons for whom I signed a name and took the money to them.

By the CHAIRMAN:

Q. As I understand it, you would make up a name, say, John Smith, and you would get the money for that, although there would be no such man as John Smith; what would be done with the \$90 that the name John Smith would get, if there was no such man as John Smith?—A. General Sypher drew the money in bulk—the whole amount whatever it was—and then he would give me out my money, and give me whatever money there was for these other parties whom I was attending to the business for, but what would become of the other amounts I do not know. I suppose he had other parties he gave money to besides those I know of.

By Mr. REILLY:

Q. Did he give you money for every name you signed?—A. No, sir; only for a certain few.

Q. Where the men were actually in existence?—A. Yes, sir.

Q. You signed names of men who had no existence except in your imagination?—A. Yes, sir.

Q. Did you draw money for those men?—A. No, sir; General Sypher drew it.

Q. Did you draw it through him for these imaginary men?—A. No, sir.

Q. Did you have any discussion with him about what was drawn for these imaginary men?—A. No, sir.

By Mr. CONGER :

Q. Where you yourself wrote a name, which was a fictitious name, you did it for some real person who did not want his own name signed?—A. In some instances; yes, sir.

Q. And in those cases where the money was not paid you for those men there was a real person to receive the money?—A. Yes, sir.

Q. And the fictitious name you would use there was only to avoid the name being known?—A. Yes, sir.

Q. Did you draw any money on fictitious names where you did not know from General Sypher that there was a real person that was to receive it?—A. No, sir.

Q. And you do not know that others did?—A. No, sir.

Q. Was the name written on the envelope to whom the money was to be delivered?—A. Yes, sir.

Q. Was that a real name or a fictitious name on the envelope?—A. The real name of the parties I was to deliver these envelopes to.

Q. Were the envelopes sealed?—A. Some of them were and some were not.

Q. But in all cases the real name of the person to whom you were to pay the money was written on the outside of the envelope?—A. Yes, sir.

Q. Who wrote it?—A. General Sypher.

Q. Where he did not know, or where you had used fictitious names, did you tell him whom it was for?—A. No, sir; he did not require that.

Q. But you wrote some fictitious names for real persons on your own motion, without his knowing anything about it?—A. Yes, sir.

Q. He would not know the real persons you made out for, would he, so as to write the name out on the envelope without your telling him whom it was to go to?—A. He would write on the envelope whatever he thought. He had a list; this man was to have \$60, and another \$90, and another \$120. He would fill up the envelopes, put the name on them, and then ask me to deliver it.

By Mr. HOSKINS :

Q. Do you know of your own knowledge where General Sypher got this money from that he brought to you?—A. No, sir.

Q. Where were you at this time that this money was brought to you, and you were doing this writing?—A. Up in a little office in the top floor of the custom-house.

Q. And this gentleman who is now dead and General Sypher and you were present?—A. Yes, sir.

Q. Why do you say he drew this money when you say you do not know where he got it?—A. He said when he went out, when these pay-rolls were made out, "Boys, wait here, and I will soon be back with the money."

Q. Did he draw it out of his own pantaloons or the bank or the custom-house?—A. I did not see him draw it.

Q. Do you know where he got it?—A. I did not see him draw the money, but I understood from him going out with those pay-rolls and his saying, "Now, boys, I will be back with the money in a few minutes."

Q. Do you know where General Sypher got this money?—A. I expect he drew it out of the Treasury. I did not follow him up to see him draw it.

Q. Do you know where General Sypher got this money?—A. No; I do not know where he got the money, only what I took from what he said.

Q. Did General Sypher tell you where he got it?—A. Not at that time.

Q. Did he tell you at any time after that?—A. When he first came there just after the convention at Baton Rouge, he said he was going on to Washington and when he came back for me to give him the names of some 25 or 30 men, and that he would put them on the post-roll. He was going on to Washington and had the thing all fixed up at the Treasury Department.

Q. Did he tell you where he got the money at any time after this transaction?—A. He did not tell me, because I suppose he thought I knew where he got it.

Q. I understand you to say, then, you do not know where he got the money, nor did he tell you where he got it. After you wrote these several names on the pay-rolls you folded them up, and put a strap around them, and handed them to General Sypher?—A. Yes, sir.

Q. Did you ever see those pay-rolls after that?—A. No, sir.

Q. Do you know what became of them?—A. No, sir; I presume they are on record.

Q. But you do not know yourself anything about it?—A. No, sir.

Q. And when they went out of your hands there were simply the names of them?—A. That is all.

By the CHAIRMAN:

Q. What is your opinion as to where the money came from on these pay-rolls?—A. My opinion is that it came from the cashier of the custom-house.

Q. What are your grounds for that opinion?—A. On account of those pay-rolls—the vouchers—that General Sypher took away with him, and his making the remark, "Boys, I will be back soon with the money."

Q. You mean he gathered up the pay-rolls and went out of your presence with them, and after a certain lapse of time came back with the money?—A. Yes, sir.

Q. Have you no other fact than that for the belief that he got this money from the custom-house?—A. No, sir; I do not think I have.

Q. These men, you say, were enrolled and their names were signed as laborers on the custom-house pay-roll?—A. No, sir.

Q. You had signed their names as laborers?—A. I signed their names on the pay-rolls, but the blank place to fill in the position of the man was vacant. It could afterward be filled in for an inspector, or clerk, or laborer.

Q. Did you fill in those names?—A. No, sir.

Q. Did you see anybody fill them in?—A. No, sir.

Q. Do you know that they were filled in?—A. No, sir; I do not.

Q. When did this take place?—A. In 1872.

Q. You were not then in the custom-house?—A. No, sir; I was appointed on the 1st of December, after the election.

Q. Do you know whether these men that you delivered money to actually worked in the interest of General Sypher in the election?—A. Some did, and some did not.

Q. Do you know of any other instance where fraudulent pay-rolls were made out, or what you think were fraudulent pay-rolls?—A. No, sir.

Q. I mean since then?—A. No, sir; I have heard of people doing it, but I have not seen them.

Q. Were any made out in the Department that you were employed in, to your knowledge?—A. No, sir.

Q. Do you know of anybody employed in the custom-house signing pay-rolls for greater amounts of money than they actually received?—A. No, sir; I do not know only from rumors; I do not know it to be the fact.

Q. Did you ever hear any one say that he had done so?—A. No, sir.

Q. Did you always get the full amount of money for which you receipted as an employé in the custom-house?—A. Since I have been regularly appointed in the custom-house; yes, sir.

Q. You never were required to pay over any portion of it to anybody in the custom-house after you had received it?—A. No, sir.

By Mr. HOSKINS:

Q. The signing of these pay-rolls occurred only in the month of October, 1872?—A. About the first or second of October.

Q. It was only for one month?—A. It was only one month I did it.

By Mr. DARRALL:

Q. Were these pay-rolls that you signed in blank the ordinary pay-roll with which you are well acquainted?—A. Yes, sir.

Q. You signed the receipt and the oath?—A. They are signed in duplicate.

Q. There is an oath?—A. There is an oath on them somewhere.

Q. In a legal signing of these papers where do they go? Are they not signed in the presence of the notary?—A. No, sir.

Q. Does not the notary in the custom-house, or some notary, attach his seal to all pay-rolls?—A. I will explain that. They do not do it now since Mr. Bristow was appointed; but at that time, when the pay-rolls came down to the different departments, you would sign it, and you would take them up to Mr. Crawford, the entry-clerk, and put them in a pile, and leave them there until he got through with them; then you would come and get them and give him 25 cents; they were never sworn, but he would put his name and seal to them.

Q. You never swore to them in his presence?—A. No, sir.

Q. The seal could be attached to these fraudulent pay-rolls in the same way?—A. That was not done when I signed them. It might have been done afterward. They could be passed in the same way, without the entry-clerk knowing it.

Q. Did you give any real names that you signed to these pay-rolls?—A. I signed some of them Brown or Jones.

By Mr. REILLY:

Q. I would like you to state why it was, or how it was, that you were procured to sign these pay-rolls, by whom you were approached, and what was said, either by the party that mentioned it to you, or that you said to such party—anything that was said at the time by or to parties who proposed this thing to you.—A. It was about the

first of the month, and I went up there to see about getting my money, and there I saw General Sypher. McLean and myself were together. There was a big crowd outside of his office—100 people probably—waiting to see if they could not get money out of him. He cleared them all out of the office except McLean and myself, and he said, "Sign these pay-rolls and I will get the money for you."

Q. Did you know what it was you were signing? Did you understand what you were doing?—A. I supposed it was pay-rolls or vouchers for the custom-house. I had never worked in the custom-house previous to that.

Q. Was the only way or the only reason you came to sign these pay-rolls, from what General Sypher said to you on that occasion?—A. Yes, sir.

Q. And he just said to come in and sign these pay-rolls, and in a few moments he would have your money for you?—A. Yes, sir.

Q. At this time that you have described, at which you had this transaction with General Sypher and Mr. McLean, did you know whether Sypher was an employé, or officially connected with the custom-house or not?—A. Not that I know of, any more than being a candidate for Congress.

Q. Was he to your knowledge?—A. I do not believe he was an employé of the custom-house.

Q. Was this McLean that you speak of?—A. No, sir.

Q. So that neither of these three parties were in any way officially connected with the custom-house as employés; neither Sypher, yourself, or McLean?—A. McLean and myself I knew were not, and General Sypher, so far as I know, was not.

By Mr. STEVENSON:

Q. At the time he went out and said, "Boys, wait," where were you?—A. In a little office on the top floor of the custom-house that he had for his office, or to meet his friends and give them out tickets, &c., and to transact his business.

By Mr. HOSKINS:

Q. It was a sort of a private office that was used by Sypher?—A. Yes, sir.

By Mr. STEVENSON:

Q. Was it a room that was used for political purposes of consultation?—A. No, sir I think it had been the paint-shop. There were two chairs in it and a rough table, but he had it and had the key. I carried the key of the room sometimes.

Q. How long was he gone when he started out and brought back the money?—A. About three-quarters of an hour, I guess, or an hour.

By the CHAIRMAN:

Q. Do you know whether he went out of the building to get the money?—A. No, sir; I could not tell whether he did or not. We staid right in the office and he started off.

Q. Did he take the money from that room?—A. No, sir.

Q. He did not have the money in the room, or take it out of any trunk or box in the room?—A. No, sir; there was no trunk in the room.

Q. This room belonged to the custom-house?—A. Yes, sir.

Q. It was part of the custom-house?—A. Yes, sir.

Q. Public property?—A. Yes, sir; I expect so.

Q. Were you acquainted with any of the parties who worked on the building of the custom-house in the construction department?—A. I knew Colonel Morse by sight.

Q. Did you ever work in that department?—A. No, sir.

Q. Were you ever on the pay-roll of that department?—A. No, sir; I do not think I was.

Q. Did you ever draw any money, or was any money ever paid to you in that department, or by anybody connected with that department of the custom-house?—A. No, sir; I don't think there was.

Q. Did you have any acquaintances who were employed in that department?—A. No, sir.

By Mr. CONGER:

Q. You stated about the entry of 140,000 cigars by MacCarty yesterday?—A. I stated about his making an entry for 70,000, or in that neighborhood.

Q. What time was that—can you fix it?—A. No, sir; but I have got it, and I will produce the date.

Q. Was it last March a year ago?—A. Yes, sir.

Q. That was the time when you say that these 140,000 cigars came, and only 70,000 were entered?—A. Either 70,000 or 75,000; but I have got the precise figures.

Q. Was there more than one time when this 70,000 entry by MacCarty was made?—A. He did not make that entry for that 70,000 cigars more than once.

Q. Was there any other time when he entered any other 70,000?—A. He has entered a great many times for Mr. Masich.

Q. Were there any about which there were any suspicious circumstances except that one?—A. It is always suspicious when one man gets another man to make an entry for him, and gives him five dollars a thousand for doing it.

Q. You testified about some cigars that had been re-exported?—A. Re-exported and re-imported back.

Q. I have here a copy of a telegram to the Secretary of the Treasury :

“NEW ORLEANS, March 20, 1876.

“Newspapers report that Mr. Ferguson swore yesterday before the Louisiana committee that one MacCarty imported about 140,000 cigars in March, 1875, and that duty was paid on only 70,000. The records of this office show that MacCarty imported 145,000 in March, 1875, and paid duty on the same. Please have this telegram laid before the committee.”

The WITNESS. I will state that I think he imported more than 145,000 cigars in the month of March. I notice that they do not give the date. He puts it all in one invoice. Mr. MacCarty had some four or five invoices in the month of March, I think.

By Mr. BLACKBURN :

Q. Did you state yesterday what vessel this second importation was made upon?—A. Yes, sir.

Q. What was it?—A. They were exported on the German steamship Hanover, and returned on the City of Merida.

Q. Do you know anything about an importation upon the Juniata made by MacCarty?—A. I have the data in my book.

By the CHAIRMAN :

Q. I have a telegram here from Mr. MacCarty himself, which is as follows :

“CHAIRMAN LOUISIANA COMMITTEE :

“I have paid duty on 145,000 cigars imported by me ex S. S. Juniata, March, 1875, as custom-house records will show. I have never made any custom-house entries of cigars for F. Masich, and consequently he never paid me any money for making fraudulent entries for him. All Ferguson's statements in reference to my transactions are absolutely false and malicious.

“L. MACCARTY.”

Q. What do you say about that?—A. This says the Juniata. You see these other cigars came back on the City of Merida. I have got the newspaper arrival with the manifest published, and also the newspaper with the ship for the cigars leaving on the German ship Hanover.

Q. Then the transaction that you related yesterday was in reference to cigars that came back, as you then said, on the City of Merida?—A. Yes, sir.

Q. I have a telegram from Mr. F. Masich, in which he says that the newspaper reports of your testimony given yesterday are absolutely false and malicious, and the man named Huard never was in his employ. What have you to say about that?—A. I have got nothing to say about it at all. I am satisfied the man would not acknowledge that he is capable of bribing an officer.

Q. I have another telegram, from Mr. Domingo, in which he denies that he or his clerk ever told you that Dillingham was a member of the ring for importing cigars. What do you say about that?—A. That is false.

Q. You say he did?—A. Yes, sir.

Q. Has anybody said anything to you in this city about the testimony that you gave yesterday, or approached you with reference to it?—A. Yes, sir; Governor Warmoth told me that Matt. Carpenter wanted to see me. I saw Mr. Carpenter and he stated to me that he wanted to know if Dillingham was guilty, for he would wash his hands of him if he was.

Q. Have you received any telegram from New Orleans in reference to your testimony here?—A. No, sir; I wish to state here that Mr. Ayer, last Saturday night, at Willard's Hotel, told me that under the President's order they would not deliver any papers up out of the custom-house at New Orleans. I asked him, “Could not they get a copy?” and he said they would take their own time to furnish these papers, and they would keep them six months if necessary. He also was talking about the invoices. He said that in the New York custom-house they used them in the privy, and that when I came to refer to the invoices in New Orleans I would find they would not be there.

Q. Are there any other explanations you wish to make?—A. No, sir; I could go on and relate still more cigar-frauds and still more frauds in the weights.

Q. That is just what we want.—A. I would prefer if I had my memorandum-book here so that I could give the dates more correctly.

Q. Tell about the month or the year, and make it as exact as you can.—A. About two years ago this last winter—I cannot tell the month exactly—there were twelve to fourteen cases came from warehouse No. 6 into the cigar-room—all small cases. Mr. Crawford came and looked at them, and Mr. Ong came and looked at them. The im-

pression was that they had been large cases, but the cigars had been taken out at warehouse No. 6, and these cases had been cut down to hold three thousand each, and a few days after that there was an order issued not to allow any more cigars to go to No. 6, under a general order. Also, about that time there was a large case of cigarettes in there, holding, I suppose, twenty thousand packs. We did not take them out and count them, but I have seen cases of that amount and so can tell. That case was delivered to Mr. Masich without the cigarettes being put into boxes and stamped according to law. The whole case of cigarettes was delivered in bulk.

Q. You say the cases of cigars were cut down?—A. Yes, sir; that was the impression. They had American nails in them, and they were not strapped the way they strap cases in Havana. They were all small cases holding 3,000 cigars each.

Q. Did the cases differ from the other cases that came from Havana?—A. Yes, sir.

Q. Did you ever receive from Havana any cases the size of these cases?—A. Not in such a large lot. Parties would import for their own use cases with 3,000 cigars at a time. Under the law you cannot import less than 3,000 cigars, otherwise they are liable to seizure.

Q. Did you hear anything said about these cases at the time to the effect that they had been cut down or did you get any information from anybody in regard to that?—

A. Mr. Crawford came down-stairs and looked at them and examined them.

Q. What did he say?—He was of the opinion that the cases had been cut down at No. 6, and these cigars taken out, except enough to carry the shipment out correct with the custom-house.

Q. Who was the owner of these cigars?—A. Mr. Masich.

Q. Do you know what ship they came on to New Orleans?—A. No, sir; I cannot tell you now.

Q. Who made the entry for those cigars?—A. Mr. Masich. I expect so. He brought all the papers down to have them stamped.

Q. To whom did these cigars belong?—A. To Mr. Masich.

Q. You say that no duty was paid upon them?—A. No, sir; I do not know anything about the duty. According to the law they should have been taken out and put in boxes, 25 packs in a box, and then stamped with a custom-house stamp and the revenue-stamp.

Q. And that was not done?—A. No, sir; nor were the cases ever examined and weighed.

Q. So that they did not pay the duty on the weights that the law required on each package?—A. No, sir; I do not expect they did. They could not get at the weights, because the cigarettes were never weighed.

Q. Was anything said in the office about this irregularity about the cigarettes?—A. No, sir; the case stood in the cigar-room for a long time. They brought a permit for it just about three o'clock one afternoon and took the case out.

Q. Who was the permit signed by?—A. I did not read the permit; that was not my business; that was the business of the store-keeper when he gets a permit to deliver any goods. If the permit is all signed properly he delivers the package or packages, whatever the permit calls for.

Q. Did you see the permit?—A. I only saw the paper in the drayman's hands when he brought it up there, when I opened the cigar-room to let this case go out.

Q. How did you know it was a permit?—A. I saw him hand it to the store-keeper. I expect it was a permit, or else he would not deliver him the case of cigarettes.

Q. Did it look like a permit?—A. Yes, sir.

Q. What is the peculiar appearance of a permit?—A. There is some printing on it, and then it is filled up with the number of packages, &c.

Q. Are there sufficient marks and indications on it to make it look different from other papers of the same size, so that you can identify it?—A. At a distance you could not tell one of them from a bill-head.

Q. Close as you were to this man that brought the permit, could you recognize it as a permit?—A. I did not pay any attention until I saw him hand the paper to the store-keeper.

Q. How many cigarettes were in this case?—A. I should judge about 20,000 packs.

Q. You said a little while ago it was big enough to hold 20,000 packs because you had seen other cases big enough to hold 20,000 packs; was this case full?—A. Yes.

Q. How did you ascertain that?—A. I opened it.

Q. Did you make an examination to find out whether it was full or not?—A. I opened it. We were looking for a case of cigars there, and we found this case, and we opened it and found it was a case of cigarettes. We nailed it up again.

Q. Was anything said about this case going out of the office contrary to law?—A. No, sir; we did not hear anything said about it.

Q. Nobody said anything about it in the office?—A. No, sir.

By Mr. CONGER:

Q. In regard to these cases of 3,000 cigars each, that you thought had been cut down in warehouse No. 6, do you know what the invoice showed the case to be?—A. No, sir.

Q. The manifest and invoice would have showed what that case was?—A. Yes, sir; it should; the entry would show what they were when they came.

Q. The general importation entry would show what the number of cigars was?—A. After they came into the custom-house, yes.

Q. They could not be entered without showing how they came on the boat?—A. Yes, sir; that is so.

Q. That would show whether it was a 3,000 cigar case or a larger one, would it not?—A. They would make up an invoice expressly for an occasion of that kind.

Q. So if the foreign invoice and the manifest showed there were 3,000 in each case, that would remove suspicion?—A. Not altogether.

Q. Where else could it be changed? How could the manifest be changed if there were larger boxes with more cigars in the invoice than in the ship's manifest; how could those papers be changed so as to show only 3,000 cigars in a case?—A. I do not suppose they would change the manifest at all. I suppose they were on the manifest as ten cases or whatever the amount might be.

Q. The manifest would show the case without the number of cigars; would not the invoice show the number and kind of cigars?—A. Yes, sir.

Q. If the invoice did really show 3,000 cigars in a case, that would be in accordance with what you found to be the fact?—A. But that would not say it was right.

Q. Where could the invoice be altered?—A. It would not be necessary to alter the invoice.

Q. If the invoice proved more than the cases actually showed, that would prove the fraud?—A. Yes, sir.

Q. If the invoice showed just what the cases showed, there would be no fraud?—A. No, sir.

Q. Is not the invoice certified to by the consul in Havana?—A. Yes, sir.

Q. If the invoice certified to by the consul in Havana was for cases of 3,000 cigars each, that would be presumptive evidence that that was the size of the cases?—A. It would be, in one way.

Q. Then we could find from the custom-house what that invoice actually was?—A. Yes, sir.

Q. If these cigarettes had been intended for withdrawal and exportation, they would not have been packed in boxes and have the revenue-stamp put on them?—A. No, sir.

Q. Do you know that they were not withdrawn from the warehouse for exportation?—A. Yes, sir; it takes a bonded dray to do that, and this was a private dray that took them away.

Q. Did you see the dray?—A. I saw the drayman, and I recognized him as being the drayman that always did Mr. Masich's business.

Q. Do you know what the drayman's name was?—A. No, sir.

Q. What date was this?—A. I do not recollect now; it was about two years ago this last winter some time.

Q. Your reason for believing that they were not withdrawn for exportation is that you think the drayman was a private drayman?—A. I do not think so; I know it.

Q. Do you know that they were not re-exported?—A. When goods are exported they are corded and sealed, and they have to go on a regular bonded dray, with a custom-house officer to take them to the ship. I know these were delivered to Mr. Masich's drayman.

Q. Do you know, of your own knowledge, that they were not exported?—A. I am satisfied they were not exported.

By the CHAIRMAN:

Q. What are the grounds for that belief?—A. Because when goods are exported they are corded and sealed, and a custom-house officer takes them on a bonded dray to the ship, and delivers them to the ship, the same way as with goods in transit, but these cigarettes were delivered to a private drayman that did Mr. Masich's work.

Q. What vessel brought these cigarettes there?—A. I could not give you the name of the ship at the present time.

Q. Have you any memorandum by which you could fix the name of the ship?—A. I would not be certain whether I have a memorandum of the cigarettes or not; I think I have.

Q. Do you remember but one case of cigarettes in regard to which these circumstances occurred?—A. That is the only large case of cigarettes that I saw go out of the room in that way.

By Mr. HOSKINS:

Q. Were these three cases of cigars in each case boxed?—A. They were in fifties and hundreds.

Q. There were three of these small boxes which contained 3,000 cigars each, making 9,000 in all?—A. No, sir; there were twelve or fourteen of these cases.

Q. Were these cigarettes imported at the same time these cigars were imported?—
A. No, sir; I do not think they were.

Q. They were different importations?—A. I think so.

Q. You do not claim any fraud on the cigars, then?—A. There was no fraud after they came into our room, but I claim the fraud to be on the way from the ship to the room.

Q. On what ship were the cigars imported?—A. I do not recollect.

Q. The manifest and the invoice would show just how many cigars were imported at that time?—A. Yes, sir.

Q. They would then go into the custom-house, and go to the warehouse?—A. No, sir; these cigars went from the ship to No. 6. After we got through with this special lot of cigars they were delivered to the owner.

Q. To whom were these cigarettes consigned?—A. I do not know; I have got the marks on the case. I know who took them out, and that is all.

Q. Where did you first see these cigarettes?—A. In the cigar-room.

Q. The cigarettes had been to No. 6?—A. I do not know whether they came direct from the ship to the cigar-room, or whether they were discharged on "general order" to warehouse No. 6.

Q. Do they go right from the ship to the warehouse?—A. It all depends on the entry of the merchant. If there is no entry they discharge them on general order, and send them to the warehouse.

Q. Was this case of cigarettes you saw in the cigar-room marked with the ship in which it came over?—A. Yes, sir.

Q. And to whom it was consigned?—A. No, sir. It had just the letters "F. M."

Q. What is that?—A. Masich's mark.

Q. Were these cigarettes in bulk?—A. They were in bulk in the large case.

Q. And they were not repacked?—A. No, sir.

Q. How long did they stay there in the cigar-room?—A. I could not tell you exactly. They were there sometime before they were delivered.

Q. About how long?—A. I cannot tell you.

Q. Were they there a month?—A. They might have been there about two months. I think they were in there between one and two months, before they were delivered.

Q. Do you know how they came there?—A. They did not walk there; they came on a dray.

Q. I asked you if you knew?—A. I knew they came on a dray.

Q. Do you know how they came into the cigar-room?—A. They came in on a truck.

Q. What kind of a truck?—A. One of these hand-trucks.

Q. How did they get on that hand-truck?—A. The laborers outside put them on.

Q. Did you see them put them on?—A. No, sir.

Q. Do you know where they came from so that the laborers could get hold of them?—A. The drays put them off on the sidewalk.

Q. What drays?—A. The bonded drays, or whatever brought them.

Q. Did you see them landed on the sidewalk?—A. No, sir, I did not see the draymen put them off.

Q. Then you don't know how they got into the cigar-room?—A. I know the laborers outside trucked them into the cigar-room.

Q. You saw them when they came in?—A. Yes, sir; because I carried the key of the cigar-room.

Q. Were you in charge of the room all the time?—A. Yes, sir; I carried the key of the room.

Q. During that entire time these cigars were there?—A. I have carried the key ever since I have been there—two years. The cigar-inspector has charge. He was my superior officer, but I carried the key because I would always be there soon in the morning, and I would lock the place at night and see that the doors were all fastened.

Q. Do you know whether or not these cigarettes had ever been in any Government bonded warehouse before they came to your room?—A. No, sir.

Q. Do you know whether they ever came from any bonded warehouse into the custom-house?—A. No, sir; the first I saw of the cases was when they came into our room. I do not know where they came from, or whether when they came from the ship they came direct from the ship to the cigar-room, or whether they went to the warehouse and staid there or not.

Q. In withdrawing them from the bonded warehouse before they could get out of there according to law, the internal-revenue tax must be paid, must it not?—A. The internal-revenue tax is not paid until just before the delivery of the cigars.

Q. The bonded warehouse is kept by a storekeeper?—A. Yes, sir.

Q. And before the storekeeper will let these goods out of there, must not the internal-revenue tax be paid on those cigarettes?—A. The storekeeper delivers the cases on a permit. It is not his business what the case contains, but he has a permit to deliver a case, or a certain number of cases of such a mark, and he delivers them if he sees the permit is correct.

Q. To whom?—A. To whoever brings the permit.

Q. Does the storekeeper ever deliver any cases in a legal and proper way, that are subject to the internal-revenue tax, until the tax is first paid and he stamps them himself; in other words, if these cigarettes were in bonded warehouse No. 6 at the time that you described, could they have got out of that bonded warehouse in a proper way, except after the internal-revenue tax was first paid?—A. Yes, sir.

Q. Where is that tax required to be paid?—A. After they come to our department they are weighed, and the merchant gets an order from the entry-clerk to go to the revenue department and buy so many stamps, according to the number of cigarettes. He brings these stamps down into our room and we put them on with the custom-house stamp, and then the cigar-inspector makes his return—so many boxes, so many revenue-stamps. That goes up-stairs, and on that he gets his delivery-permit.

Q. You say the tax may be paid in the custom-house after withdrawal from the bonded warehouse?—A. Yes; after the transfer they are still the property of the Government.

Q. Having first gone into a bonded warehouse, they may be taken out by a permit of the collector and transferred from the bonded warehouse to the custom-house?—A. Yes; to be examined.

Q. And there the internal-revenue tax may be paid on the cigars or cigarettes?—A. Yes, sir.

Q. When these cigarettes went out of the custom-house you say they went out in bulk?—A. Yes, sir.

Q. Without the payment of the internal-revenue tax?—A. Yes, sir.

Q. So that the fraud is on the revenue tax, to which the cigarettes were liable?—A. Yes, sir; and the amount of duty, because they never were weighed.

Q. Is there no stamp that the storekeeper of the bonded warehouse puts upon a package of goods, indicating that it has been in that bonded warehouse before it comes back into your room? Does not the storekeeper of a bonded warehouse put some stamp or some mark of that kind upon a package?—A. No, sir; none whatever.

By the CHAIRMAN:

Q. You said you did not know whether that package of cigarettes had been in a bonded warehouse or not?—A. I said I did not know whether they were in a bonded warehouse, or came direct from the ship.

Q. Have you any knowledge of any other irregularities in the New Orleans custom-house?—A. I have, but I would prefer to give them at New Orleans, or have you give me a week or ten days to write to New Orleans and get my books, papers, &c. As it is, I have exposed these frauds, and they are now all against one man, and I have a reputation at stake. I have a wife and four children at New Orleans. I have my reputation and the reputation of my wife and children to protect.

Q. You can go on and give us such information as you have, and when we come to New Orleans you can furnish the data and witnesses to substantiate your statements.—

A. There are a great many things I have got that I cannot think of. It is impossible for a man to think of everything that happened in the last three and a half or four years.

Q. You stated that you came to Washington with a view of seeing the Secretary of the Treasury, and putting him in possession of certain facts.—A. To get him to send an officer down there and investigate it, and I would give the officer the dates, &c., and assist the officer in discovering the frauds.

Q. Mention any other case of fraud, if you have any knowledge of any.—A. I have seen Mr. De Klyne, who was a deputy United States marshal, with Mr. Packard, come down in the cigar-room with Mr. Ong and take out 3,000 cigars. Mr. Ong told him that he would make the invoice short that much, and make his return that there was no room in the case for them. These cigars Mr. Ong told me to tie up, and send them to the marshal's office. There was nobody there. I carried up the cigars and delivered them in the marshal's office myself.

Q. What marshal's office?—A. Marshal Packard's office. These cigars had no stamps on them of any kind.

Q. Who was in the office when you left them there?—A. There was a clerk there; I do not know his name.

Q. Whom did you deliver them to in the office?—A. I told him, "Here are some cigars that Mr. Ong sent here to the marshal's office." He told me to put them down, and showed me the place—inside of the railing, near a large safe. I turned back and went to my department,

Q. Were you acquainted with the clerk then in the office?—A. No, sir.

Q. Would you know him if you were to see him?—A. I know him by sight.

Q. Is he there now?—A. I think he is either there or connected with one of the United States courts. At that time he was a clerk there with Mr. Packard.

Q. Who was Mr. De Klyne?—A. He was Mr. Packard's chief deputy and general business man, I believe.

Q. Had these cigars passed properly and regularly through the custom-house?—A. Yes, sir; but they had not been stamped according to law.

Q. Had they been weighed?—A. The invoice had been weighed, but Mr. Ong said he would make the invoice short of this amount, and report on the invoice that there was no room in the case. According to law, if you have an invoice calling for 10,000 cigars and there is only 9,000 cigars in the box, and there is room for the other 1,000, the Government requires the duty to be paid on what the invoice calls for, 10,000 cigars, unless the appraiser makes the entry that there is no room for the balance.

Q. Who else was in the room besides Mr. Ong and Mr. De Klyne when this conversation occurred, and when he instructed you to carry them to the marshal's office?—A. I think a man by the name of Joseph Grinnell was there at the time and worked in that Department. I think he was there in the cigar-room; I am not sure.

Q. Is he there now?—A. No, sir.

Q. Where is he?—A. The last I heard of him he came to Washington. He belonged to the custom-house band.

Q. What band?—A. A band of music.

Q. Is there a band of music attached to the custom-house at New Orleans?—A. There was until within the last six or seven months. All of them have now been discharged with the exception of two.

Q. What did they do?—A. They had different positions; some were night inspectors, some were laborers, and whenever they needed them for a political meeting they would go out to the political meeting and play, or they would go out through the country and play during the campaign.

WASHINGTON, D. C., May 22, 1876.

JOHN W. FERGUSON, continued.

By the CHAIRMAN:

Question. Tell us all you know about that custom-house band.—Answer. I do not know much about it, except that there was such a band. They were employed in the custom-house. They went to political meetings. I have had them at my meetings. When Colonel Casey went down on an excursion on the revenue-cutter Dix, they went aboard the Dix with him.

Q. Do you know how many persons there were in this band?—A. I would not be sure whether it was twelve or fourteen—somewhere in that neighborhood.

Q. Were their names on the pay-roll of the custom-house?—A. The one that worked in our department was. There was also right outside there a man by the name of Perry Bell that belonged to the band.

Q. Can you give us the names of the members of the band as you recall them?—A. Perry Bell; I believe he was leader. Then there were Joseph Grinnell and Sam. Linberger. These are all the names I recollect now. I know them all by sight.

Q. Do you know whether they all had their names on the pay-rolls of the custom-house or not?—A. I have seen one in our department draw his pay-roll and get his money the same as I got my own.

Q. What year was this that you first obtained a knowledge of this band?—A. During the last campaign of 1872 I made arrangements for the band to come down to my club-room—the Stonewall Jackson club-room on Elysian Fields street.

Q. Was that a democratic or republican club?—A. My club was a republican club, the Grant and Wilson third district campaign club.

Q. Did they come?—A. Yes, sir.

Q. Were they paid extra for their services?—A. I gave them money for their car-fare and treated them all.

Q. Do you know whether in the canvass that was made that summer this band was used outside of the city?—A. Only from what I read in the papers from time to time, and hearing that they had held a meeting with music by the custom-house band. That is all I know about it.

Q. Do you know whether when absent from the city they drew their pay as laborers from the custom-house?—A. I do not know that. I know that when they went off for a day or so on the Dix the pay-roll of the man in my room was just the same as any month when he did not go away to play.

Q. Do you know of the Dix making more than one trip of a political character?—A. I did not say that she made trips of a political character; she went on excursions.

Q. Were they excursions to attend a political meeting?—A. No, sir; excursions down the river.

Q. I understood you to say that Colonel Casey had used them in the canvass of 1872.—A. No, sir; I stated he had them when he went on excursions in the steamer John A. Dix; I think that is the name of the revenue-cutter.

Q. Have you any knowledge of the band being used for political purposes, to play at barbecues or political meetings up and down the country during that campaign?—A. From what I have seen and read in the newspapers, I do.

Q. Do you recollect of any other cases of violation of the law or frauds against the Government with reference to cigars?—A. I will state that when Mr. Domingo imported cigars, once or twice or probably three times in the year, he would have one case of cigarettes. They were put up into packs of thirty-five, and stamps were drawn for fifty-eight boxes, whereas the law compels them to be put up in boxes of twenty-five packs. There was an internal-revenue duty of seventy-five cents on a box of twenty-five packs, three cents a pack.

Q. Explain now where the fraud in that is.—A. Because stamps were bought and the custom-house stamps put on for fifty-eight boxes containing thirty-five each, whereas the box should not have contained more than twenty-five packs. There was a fraud of ten packs of cigarettes on each box, and there were fifty-eight boxes.

Q. What time was this done?—A. I cannot tell you, but I have got the dates of it.

Q. How did you acquire a knowledge of this transaction?—A. By seeing the cigarettes weighed, and counting the packs in the boxes, and by the inspector only drawing stamps for fifty-eight boxes.

Q. Did you see them finally delivered?—A. Yes, sir; the case was delivered with the balance of the invoices of cigars.

Q. Was anything said about this irregularity in the cigar-room at the time it occurred?—A. I do not recollect hearing anything.

Q. Did not you make any observations about it to anybody?—A. No, sir; I do not think I did.

Q. Did anybody speak about it to you?—A. No, sir.

By Mr. NEW :

Q. What led to the discovery by you?—A. Opening the box and seeing them weighed. It was my place always to replace them back in the box and nail the box up and put it back to the case that it belonged to. The invoice called for the right number of packs of cigarettes, but in drawing stamps and in buying revenue-stamps, they did not buy them right. On that invoice there were 580 packs without any revenue-stamps, being ten packs in each box that escaped all sort of tax except the custom-house duty.

Q. That escaped the revenue-tax then?—A. Yes, sir.

Q. Whose duty was it to put these stamps on the box?—A. My duty, sir.

Q. Whose duty was it to determine the denomination of the stamps that should go on the box?—A. The appraiser's—the examiner's—and after he examines an invoice of cigarettes, he then gives the cigar-inspector the number of cigarettes—I mean of boxes, not the amount—and the cigar-inspector draws his requisition from what the appraiser gives him.

Q. Who gave in this valuation of the amount of cigarettes?—A. Mr. Ingalls.

Q. And who was the inspector that took the valuation?—A. The merchant has to buy the internal-revenue stamp, but the cigar-inspector draws the custom-house stamp, and the custom-house stamps and the revenue-stamps have to correspond to the amount of boxes.

Q. The inspector purchased the stamps himself?—A. No, sir; he don't have to buy them. He drew them from the cashier's office.

Q. And the owner paid him the amount?—A. The owner gets an order from Mr. Crawford to go to the internal-revenue office and buy what revenue-stamps the invoice calls for. Then the merchant brings his revenue-stamps down to the cigar-inspector, and the cigar-inspector draws his requisition to the collector of the port, has it indorsed by the appraiser, and then indorsed by either one of the deputy collectors—it makes no difference which—for so many customs-stamps, and then goes to the cashier's office and the cashier delivers as many stamps as this requisition calls for.

Q. The custom-house duty was paid?—A. Yes, sir; I expect so; I did not see it paid.

Q. But the proper stamps were not put on?—A. The proper revenue-stamps are not.

Q. But some stamps of less value than ought to have been put on?—A. Yes, sir.

Q. Who is the party that committed the fraud in this particular transaction?—A. It was the appraiser's duty to see that the cigarettes came in the proper boxes, according to law.

Q. He made the inspection?—A. Yes, sir.

Q. And he made the valuation?—A. Yes, sir; the appraiser did.

Q. Did you call anybody's attention to the fact when you made the discovery that the stamps were actually short on this case?—A. No, sir; not that there were more cigarettes in the box than were called for.

Q. Why did not you do it?—A. Because I would have been discharged instantly; at least I expect I would.

Q. Why do you say you would be discharged; did you ever know anybody to be discharged under such circumstances?—A. I have heard of people being discharged that had too much to say about anything going through. I cannot recall a name now.

Q. Was that the reason in your own mind that you did not call the attention of these officers to it?—A. Yes, sir.

Q. Who would have been the officer for you to have reported this irregularity to, in the event that you had felt it your duty to report it to him?—A. Mr. Ingalls.

Q. The very man that committed it?—A. Yes, sir.

Q. So that it would have been equivalent to charging him with fraud for you to have reported it at all?—A. Yes, sir.

Q. Why did not you report it to some of the higher officers in the custom-house?—A. That would not have done.

Q. Why not?—A. I would have lost my place immediately.

By Mr. NEW :

Q. Why do you feel sure of it?—A. They would have said I was interfering with their business; that that was not my business.

By Mr. STEVENSON :

Q. Do you know of any case where persons have been discharged?—A. I have heard of them. I can state that I have heard of men being discharged because, they said, they knew too much.

By Mr. NEW :

Q. Do you mean to say that under the rules and regulations of the custom-house, if you reported at all, you should have reported to Ingalls?—A. Yes, sir.

Q. And that if you overlooked him and reported to some one to whom he should report, it would have been regarded as improper on your part?—A. Yes, sir.

By Mr. REILLY :

Q. Have you any reason to believe that these or other frauds were known to these officials without our informing them of it?—A. I know it was known to Mr. Ingalls because he saw the boxes opened.

Q. Was that anything that operated on your mind as a reason why you did not make it known?—A. Yes, sir; the requisition drawing these stamps is on file in the custom-house, also the report of the inspector, and also the invoice calling for so many packs of cigarettes, which will show for itself on examination.

By the CHAIRMAN :

Q. You mentioned the other day that you had knowledge of certain fraudulent pay-rolls that were made up in the custom-house?—A. Yes, sir.

Q. Do you recollect the dates of those pay-rolls?—A. No, sir; as I stated before, I think it is the 1st or 2d of October.

Q. Would you recognize the pay-rolls if you were to see them?—A. Yes, sir; I should recognize my handwriting.

Q. And the names you put on them, wouldn't you?—A. Yes, sir.

Q. What political party have you been a member of in New Orleans?—A. I affiliated with the republican party.

Q. How long have you resided in New Orleans?—A. I arrived in New Orleans just before the fleet arrived in front of New Orleans, and it has been my home ever since.

Q. Are you a married man?—A. Yes, sir.

Q. Have you a family?—A. Yes, sir.

Q. Have you ever held any sort of official position except the one that you have mentioned here?—A. Yes, sir; I was sergeant of the police in the third district.

By Mr. NEW :

Q. The third district of what?—A. The third district of New Orleans.

By the CHAIRMAN :

Q. Were you ever under arrest by the civil authorities?—A. No, sir.

Q. Were indictments for any offense or misdemeanor or crime found against you?—A. No, sir; none that I know of.

Q. Have you any acquaintances among the business men of New Orleans?—A. Yes, sir; Thomas Waterman, soda-manufacturer. He has a middle name, but I do not know whether it is Thomas P. or Thomas S.

Q. Are there any men there, well known in the community, to whom you might refer?—A. Mr. Wilkes, the ex-mayor of New Orleans, knows me; Mr. Howard Mills-paugh, Mr. Hendricks, and Mr. B. J. Sage, a lawyer of New Orleans.

Q. While you were sergeant of the police, were there ever any complaints made, against you of any sort of misconduct?—A. I have got a copy of the charges; I was dismissed, as I think the charge says, for disrespect to my superior officer. I have got a copy of it and I expect the original charge is in the mayor's office now in New Orleans.

Q. Were you disrespectful to your superior officer; was it held by the police board that you were disrespectful?—A. Not by the police board; there was no police board at that time. There was the mayor and the chief of police.

Q. Who was the mayor?—A. Captain Miller.

Q. When was that?—A. I think that was about the beginning of 1863. I do not recollect the exact time.

Q. During the war?—A. Yes, sir.

Q. You are certain that the charge made against you was disrespect to your superior officer?—A. Yes, sir; no other charge; I think I have a copy of it.

Q. Were you then dismissed from that place on the police?—A. Yes, sir.

Q. Since you have been in the employ of the custom-house, have any charges or reports been made against you?—A. No, sir.

Q. Has no fault been found with you by your superior officers in the custom-house for misconduct in office?—A. No, sir; I never knew of a report. If there had been, I think I should have heard of it.

Q. You mean to say that you have given satisfaction to your superiors in office as an employé of the custom-house?—A. Yes, sir; I was in that department three years and six months, and the balance in that department were all changed some three, four, or five times, with the exception of myself.

Q. You said this morning, that if you told of these irregularities you would have been turned out?—A. Yes, sir.

Q. Were any of these other persons turned out for making anybody acquainted with these irregularities?—A. I do not know what they were discharged for.

Q. You never heard one of them say what he was discharged for?—A. No, sir.

Q. Do you know any other instances of irregularity besides those which you have mentioned?—A. No, sir; I cannot call to mind any now.

Q. You alluded in your examination the other day to two rings, one the old ring and the other the new ring.—A. Yes, sir; Mr. Ong, the appraiser, was removed.

Q. Who constituted the old ring, and who the new ring?—A. The old ring was the same as I have mentioned before, P. F. Herwig, Crawford, Thomas Ong, and Dillingham. After Mr. Ong went out, Mr. Ringgold was then appointed in his place, and Mr. Ringgold retained Charles Ingalls, and Mr. Ingalls has since appraised all the cigars in that department.

Q. The only change, then, you mean to say, is that Mr. Ringgold has taken the place occupied by Mr. Ong?—A. Yes, sir; as appraiser.

Q. Has there been any other change than that?—A. No, sir; not that I know of.

Q. What you meant to say was that the new ring is precisely what the old ring was, except that Mr. Ringgold has the place of Mr. Ong?—A. I say that Mr. Charles Ingalls is examiner, and attends to all the business; Mr. Ringgold never appraises anything.

Q. Do you know any persons whose names are on the pay-rolls of the custom-house who are not giving any service to the Government within the last year?—A. Not positively, sir; I am not positive I know any one for last year.

Q. Do you know of any one within the last two or three years, since you have been there?—A. No, sir; only from rumor; I do not know for certain.

Q. Are you acquainted with any facts or circumstances which will go to show that such persons were on the pay-roll?—A. No, sir.

By Mr. REILLY:

Q. State to the committee, and give them all the information you have that leads you to say with relation to these twelve cases of cigars, that they were re-imported after having been exported, and a letter written from Havana, to the collector of the port in New York, and by him to the collector at the port of New Orleans; why do you state that; what information have you upon which you based that assertion?—A. From Mr. Masich himself.

Q. You spoke of your club; state whether that was a political association, purely.—A. Yes, sir.

Q. And not a private association?—A. It was a public meeting; I was president of the club.

Q. It was raised solely for political purposes?—A. Yes, sir.

Q. And at the time you received \$90 a month, being placed on the pay-roll of the custom-house, was it known by the parties with whom you were negotiating in that transaction that you were president of the club?—A. Yes, sir.

Q. Did you at that time identify yourself actively with politics in the city of New Orleans?—A. Yes, sir.

Q. Do you know whether you were so regarded by the parties with whom you had this negotiation?—A. Yes, sir.

Q. Do you know of any persons who rendered private service to any officers of the custom-house but who received compensation as though they were in the customs-service—private servants, or anything of that kind?—A. Joseph Grinnell, that worked in that department, came in one morning and stated, "I took dinner yesterday at Mr. Herwig's." Grinnell is a colored man. Said I, "Yes." I was reading the morning paper at the time. He told me then that Jackson and, I think, Hicks were there. One was cooking up at Mr. Herwig's house, and the other was waiting on the table there,

although they were laborers in warehouse No. 1, and getting the same as we were getting—\$75 a month, \$900 a year.

Q. Do you mean to say that they were regularly at the house of Mr. Herwig, doing this service, or were only there on this one occasion?—A. I understood so from him—that they were regularly at Mr. Herwig's house, although they were on the pay-roll as laborers at warehouse No. 1.

Q. Is that the only instance or information you have of any case of that kind?—A. Yes, sir.

By Mr. CONGER:

Q. Explain what your meaning is and what you meant to imply, when you spoke of certain persons that you have named being the old ring. What do you mean to imply by certain persons being in a ring?—A. That these parties received their share of the money.

Q. You mean by a ring that they were united for some purpose?—A. Yes, sir.

Q. What was the ring for; what were they to accomplish in that combination as a ring?—A. I believe I explained the other day that it was necessary for these parties to be together to accomplish anything.

Q. You mean, to perpetrate fraud?—A. Yes, sir.

Q. It was necessary that persons holding particular offices should work together, or else they could not accomplish the fraud?—A. Yes, sir.

Q. And you think that the persons you named were those persons who did connect themselves together to accomplish a fraud, and their positions enabled them to accomplish the fraud?—A. Mr. Domingo told me that those were the parties.

Q. Did he tell you, or was it your own idea? I want to see how far you have any knowledge that these particular officers were leagued together in what you call a ring, or of the particular purposes for which they were leagued together. Say from whom you got your information, if you know any more than you have already told us.—A. I can say no more than what I have already told you.

Q. Have you any knowledge of it yourself, except what you have been told by others?—A. No, except what I have been told by others, and having seen Mr. Ong get money from Mr. Domingo one day.

Q. Have you any further knowledge, beyond what you have told the committee, of there having been such a ring, either from Mr. Domingo or from what you saw yourself, or from anybody else?—A. No, sir; no further knowledge.

Q. Had you yourself any such connection with it as would give you personal knowledge of the objects of this ring?—A. No, sir.

Q. Were you connected with it yourself, or were you in it?—A. No, sir.

Q. So that you can give no information direct?—A. No, sir; I was not in it; I never received a picayune.

Q. Did you ever receive any of their confidence about it; did they ever communicate to you confidentially their plans as a ring?—A. No, sir; I had nothing to do with the ring.

Q. Did you know why your wages were cut down last December to \$600?—A. No; we all received notice—a printed notice filled up.

Q. What did the notice say?—A. That after this date my wages would be \$600 per annum instead of \$900. It was printed, and then filled in with writing.

Q. With the name of whoever it was addressed to?—A. Yes, sir; it was made by some clerk up-stairs.

Q. Did you know why that notice was given, or did you hear why that reduction was made?—A. In our conversation among ourselves, and from what we saw in the paper, I heard the appropriation had run out for the fiscal year, and after the 1st of June it would be raised back again to our old pay.

Q. Did you know, either from conversation with the officials or from the papers or anything else, that in every custom-house in the United States, where there could be a reduction made, all the expenses and the wages of all its officers, or nearly so, were reduced?—A. I saw it in the papers; yes, sir.

Q. Did you learn that it was 33 per cent.?—A. I only learned that by figuring up my own. My own was reduced 33 per cent.

Q. Did you know that that was a general reduction in the custom-house expenditures on account of the lack in the appropriation?—A. All I knew about it was what I read in the newspapers.

Q. Did you learn it from that?—A. I do not recollect now. I used to read accounts about it every day in the papers. I do not recollect everything I saw about it.

Q. Did you understand that you were treated any differently from the rest of the employés for any reason?—A. No, sir.

Q. So that when you stated about the reduction of your wages, you did not mean to convey the idea that they were reduced to punish you for some information you had given or proposed to give?—A. No, sir; every one in the Department was cut down at the same time.

Q. And at the same proportional rate to that?—A. Yes, sir.

By Mr. WILSON :

Q. State the time that you went into the custom-house and when you were appointed.—A. On the 1st of December, 1872, I think.

Q. What was your business prior to that for two or three years?—A. I was in the coal and wood business in the winter, and kept a soda and Ottawa-beer saloon on the corner of Saint Charles and Common.

Q. You have a family of four persons besides yourself and wife?—A. I have four children and my wife.

Q. When this reduction of salary came about, you were somewhat dissatisfied, were you not, that your salary should be reduced?—A. Most undoubtedly I was.

Q. Did you make some disturbance about it?—A. No disturbance.

Q. You talked about it considerably?—A. No; I do not know that I did.

Q. Were you depending upon this salary for your support?—A. Pretty much; my brother boards with me.

Q. Have you any means, outside of the salary you receive, for the support of yourself and your family, except what you derive from your brother as a boarder?—A. No, sir; not for the last two years.

Q. From whom did you get the means with which to come to Washington?—A. That is my private business.

Q. You might answer that question.—A. That is my private business—whom I borrow money from.

Question repeated.—A. I borrowed some money from a man by the name of Menn.

Q. What is Mr. Menn's occupation in New Orleans?—A. He has been keeping a confectionery in New Orleans.

Q. Did you get any money from any other person?—A. Yes, sir; my brother owed me some money; he paid me some of it.

Question repeated.—A. No, sir; not for that purpose.

Q. Did you borrow money to maintain your family while you were gone?—A. That I consider my private business. I do not consider I have any right to go into my family affairs. I borrowed some money several days before I left, but it was for the purpose of paying a bill.

Question repeated.—A. No, sir; I did not borrow any to give to my wife.

Q. From whom did you borrow this money some days before you left?—A. I borrowed \$15 from Mr. Aikman.

Q. Is that what you borrowed to pay a bill?—A. Yes, sir; the bill that I paid.

Q. Did you borrow from anybody else?—A. I do not think of anybody now.

Q. Who is Mr. Aikman?—A. Auditor of the custom-house.

Q. How much money did you get from Mr. Menn?—A. About \$45.

Q. How much from your brother?—A. Eleven dollars or \$13, I forget which.

Q. Are these all the moneys you received from any person or persons just prior to your coming to the city of Washington?—A. That is all I can think of now.

By Mr. NEW :

Q. Do you remember any other money that you borrowed or obtained on account of your coming here, other than you have named?—A. No, sir.

By Mr. WILSON :

Q. Tell me where you got the money to pay your expenses on this trip to the city of Washington?—A. I have already told you.

Q. You got money from no other sources than those you have mentioned?—A. No, sir; except what I had in my pocket.

Q. How much did you have on hand?—A. I do not recollect.

Q. One hundred dollars?—A. No, sir.

Q. Fifty dollars?—A. No, sir.

Q. Twenty-five dollars?—A. It might have been somewhere in that neighborhood; I cannot tell you exactly; it was somewhere between \$20 and \$25 I should think.

Q. Did you have any arrangement for the maintenance or the taking care of your family while you were gone?—A. With my brother; nobody else.

Q. Had anybody made any promise to you that your family should not want for anything while you were gone?—A. No, sir.

Q. Nothing of that sort?—A. No, sir.

Q. Was not there an arrangement made by persons in the city of New Orleans by virtue of which you were to come here to the city of Washington for the purpose of stirring up a difficulty with this custom-house?—A. No, sir.

Q. Nothing of that sort?—A. No, sir.

Q. Do you say that you never consulted with anybody, excepting your brother, about your coming here before you came?—A. I consulted with Mr. Menn.

By Mr. CONGER :

Q. What is his given name?—A. G. M.; I think his first name is Gustave.

By Mr. WILSON:

Q. Did you consult with anybody else?—A. No, sir; I do not think I did.

Q. Be right sure about that.—A. No, sir; because I kept the thing very quiet. I do not think I consulted with anybody else at all.

Q. How long had you had this trip in contemplation before you came?—A. I could not say exactly how long; I thought of coming a month or six weeks before I did come, but I did not expect to leave before May.

Q. Was there a man in New Orleans who was attempting to get up an examination into the custom-house, and with whom you had an arrangement that you were to do the testifying, in the event that he could accomplish that object?—A. No, sir.

Q. Nothing of that sort?—A. No, sir.

Q. Have you your ticket to return to New Orleans?—A. No, sir; not yet.

Q. Has anybody made arrangements to furnish it to you?—A. No, sir.

Q. No arrangement of that sort?—A. No, sir.

Q. Has anybody furnished you any money since you have been in the city of Washington?—A. No, sir; not a cent.

Q. You say your position in the custom-house was that of a laborer?—A. Yes, sir.

Q. Does that position require you to keep any books in the discharge of your duties?—A. No, sir.

Q. What kind of books was it that you have been speaking about that you wanted before you desired to testify further?—A. I will state to you. Every day I put it down on a piece of paper and put it in my pocket and take it home. I would go home and copy it.

Q. You copied it into a book?—A. Yes, sir.

By Mr. NEW:

Q. Do you refer to a daily habit of yours, or do you mean that you did that when you discovered any irregularity?—A. When I discovered this irregularity. When I would see those cigars coming in I knew there was something wrong. I would take an account of it and weigh them over myself.

By Mr. WILSON:

Q. Did you keep a daily memorandum after you commenced keeping memoranda, or did you do that occasionally?—A. Only occasionally; that is all.

Q. Then when you got home at night you copied that into a book?—A. Either that night, or might be I would wait until Sunday.

Q. You have preserved that book?—A. Yes, sir.

Q. How soon after you went in there did you commence doing this?—A. I cannot tell you exactly.

Q. Tell us as nearly as you can.—A. I cannot come anywhere near telling.

Q. Was it six months afterward, do you think?—A. Probably about that; might be about four months.

Q. That was after you had made the discovery of the first fraud, was it?—A. After I made the discovery of the first fraud that I saw there. I saw there was something wrong, and I made up my mind that I would keep an account of it, so that if they undertook to discharge me I would be all right.

Y. You kept this memorandum for the purpose of holding yourself in office?—A. Yes.

Q. You said that after you had been in the custom-house two or three weeks you saw these frauds going on, and concluded to take a note of them; do you wish to correct that?—A. I do not think you will find it so.

Q. Do you say that you did not say that two or three weeks after you had been in the custom-house you discovered these frauds going on and concluded to make a note of them?—A. I do not think I said two or three weeks; you might have misunderstood me.

Q. You think it was about four to six months afterward now that you made the first discovery of fraud?—A. My book will show that. I cannot remember dates all along for the last three and a half or four years.

Q. When did you make the last discovery of fraud?—A. I do not recollect.

Q. Tell us as nearly as you can.—A. I think I have got some entries of this last January or February; but I would not be sure about March.

Q. Have you mentioned those in the evidence you have given the committee?—A. No, sir; I think these are merely weights of cigars. I would not be sure.

Q. You have not mentioned them to the committee, so far?—A. I don't think I have mentioned about the weights of this year.

Q. When did you make the last discovery of fraud that you have mentioned?—A. I have stated that to the committee. It was that case of cigarettes; I cannot tell you the exact date.

Q. You had been keeping a record all along through these years; but how did it happen that you took this sudden spasm of virtue and came on here to Washington to

tell the Secretary about it—why did not you mention it sooner, just as well as at this time?—A. I took a notion to start.

Q. Have you, since the reduction of salary, on numerous occasions charged that reduction on Mr. Herwig, and said that you would have revenge on him, and was not that your purpose in coming to Washington?—A. No, sir.

Q. Nothing of that kind?—A. No, sir.

Q. Have you said you were going to be revenged on Mr. Herwig?—A. I never used the word "revenge" in regard to Mr. Herwig.

Q. What was the word you used?—A. I do not remember using any word in regard to Mr. Herwig.

Q. Have not you said you were going to do something in regard to Mr. Herwig?—A. I do not recollect making use of that remark to anybody.

Q. You made no sort of threat against him?—A. In New Orleans, I do not think I have.

Q. Have you anywhere?—A. Not that I know of.

Q. Is your memory good?—A. Tolerably.

Q. Does it require books and papers to refresh it, in order that you may make it available to you?—A. No, sir, not always; but when you go back for two or three years, I cannot remember everything.

Q. Do you say that you did not say anything of the kind I have stated in regard to Mr. Herwig?—A. I do not remember ever using any such remark.

Q. Did you not say things of that kind about Mr. Herwig within the last three months?—A. I might have made a remark that I was not afraid of him.

Q. When?—A. When they would be talking about the first of the month. Everybody expects then to get a letter of discharge. I might then have made such a remark, or something of that kind.

Q. Is everybody expecting to get a letter of discharge on the first of the month?—A. Yes, as a general thing.

Q. Did you make such a remark?—A. I might have; I do not know.

Q. Can you remember anything else that you might have said?—A. No, sir; not now.

Q. Where were you when you say you might have made that remark?—A. In the cigar-room or in the office there.

Q. Who was present?—A. I could not tell you. I expect all that were employed there were there.

Q. Who was employed there?—A. George Long and William Barrett.

Q. Anybody else?—A. Not that I can think of.

Q. When you left to come to Washington to see the Secretary you say you took your books and papers and concealed them?—A. Yes, sir.

Q. So that burglars should not get at them?—A. Yes, sir.

Q. Who knew that you had kept that book?—A. I made that remark the other day to the committee, because I did not want it to be understood that the books were in my house, as I did not want burglars to visit my house.

Q. Were the books in your house?—A. No, sir; I had removed them. I do not wish my family to be disturbed by people coming there.

Q. Who knew that you had kept this book?—A. I stated here to the committee the other day; I do not think anybody did but myself.

Q. Did your wife know it?—A. No, sir; I do not think she did.

Q. Did your brother know it?—A. I told him before I was coming here.

Q. Did he know it before you told him the other day?—A. No, sir.

Q. Nobody knew it but yourself?—A. Yes, sir.

Q. You took it away because you did not want burglars prowling about your house?—A. I took it away for fear they should hear I was gone, and should go down to search my house. I took the papers and deposited them with a friend.

Q. But they did not know that you had anything of the sort?—A. They would find out after I made my report to the Secretary of the Treasury.

Q. That is, that you had a book?—A. I intended to tell the Secretary of the Treasury that I could substantiate the charges that I intended to make to him.

Q. Why did you not bring the book with you?—A. Because I expected the Secretary would send down an officer, or something of that kind, and then I would give the officer such items as would inform him where he could discover the fraud.

Q. Would that not have been available to you if you had your book here, so that you could have shown the Secretary the dates and vessels and freights, and all that sort of thing?—A. No, sir; I do not think so.

Q. That never occurred to you?—A. No, sir.

Q. Who were these burglars that you were expecting would be about your house?—A. I have known the attorney-general's office to be broken into four or five times through the last year and documents to be stolen out of it.

Q. How do you know that?—A. By reading it in the papers.

Q. Have you any other knowledge of it?—A. No, sir.

Q. That is the only reason you can give for not bringing that book with you?—A. I did not think it was necessary. I did not bring the book, because I expected the Secretary of the Treasury would send down an officer.

Q. What kind of papers have you?—A. The papers that I would take home every night.

Q. You have preserved the scraps of paper you would take home at night?—A. Yes, sir.

Q. Any other papers than those?—A. Yes, sir; a newspaper.

Q. What newspaper?—A. The New Orleans Times, I think it is; it might be the Picayune.

Q. Did you preserve more than one newspaper?—A. I think I have got two.

Q. What did you preserve them for?—A. Because one had manifests of the German steamship Hanover, taking these eleven cases of cigars to Havana, and the other one has got a manifest in it, too.

Q. You say you saw Mr. Cahoon?—A. I saw Mr. Darrall.

Q. Where did you see Mr. Cahoon?—A. I met him at the post-office.

Q. Any place else?—A. Yes; I think he invited me to come here, and told me I could read the newspapers at the committee-room.

Q. What committee-room was that?—A. The national democratic room, I think.

Q. Up on F street, near the Ebbitt House?—A. Yes, sir.

Q. Did you have a conversation with Mr. Cahoon about this thing?—A. Yes, sir.

Q. What did you tell him?—A. I told him my purpose in coming on here.

Q. Did you give him a detailed statement of this whole matter?—A. Yes, sir; a sort of a rough detail.

Q. Why did you not tell the committee that the other day?—A. I did not think the committee asked me that question.

Q. You went to New York?—A. Yes, sir.

Q. What information did you give Mr. Cahoon with reference to where you would be in New York?—A. I told him that I should go to the Fifth Avenue Hotel reading-room every day to read the newspapers.

Q. What did you tell him that for?—A. So that if he came to New York he could see me.

Q. What would he want to go to New York for to see you?—A. I told him if he did come, so that he could find me.

Q. Did not you tell Mr. Cahoon where you could be found in New York if he wanted to subpoena you before this committee?—A. I told him where he could find me.

Q. Was not there a talk between you and him in regard to your being subpoenaed to come before this committee, and did you not tell him where he could find you in New York?—A. I do not think the committee was organized; I told him where I would be.

Question repeated.—A. No, sir; I told him he could find me at the Fifth Avenue Hotel.

Q. There was such a talk between you, was there?—A. Yes, sir.

Q. Why did not you tell the committee that the other day?—A. I think I did, but I don't know; I don't recollect.

Q. Do you think you told the committee what occurred between you and Mr. Cahoon?—A. I don't think I did tell them where he could find me in New York.

Q. Did you tell the committee that you had this conversation with Mr. Cahoon in regard to the subject?—A. Yes, sir; I think I did.

Q. Did you have any conversation with anybody else, before you went to New York, in this city?—A. Yes, sir; with Mr. Darrall.

Q. See if you cannot think of another man that you told this to.—A. No, sir; I don't think I did tell it to anybody else.

Q. Do you know a gentleman by the name of Jewell?—A. Yes, sir.

Q. Did you have a talk with him about this matter?—A. I do not recollect whether I did or not.

Q. Don't you remember meeting him at the democratic committee-room?—A. No, sir; I never met him there.

Q. Where was it that you met him?—A. I met him here in this building.

Q. You talked it over, did you?—A. I am trying to think whether I did or not; I don't recollect whether I did or not.

Q. You are rather inclined to think you did?—A. I am rather inclined to think I did, but I would not be positive about it.

Q. You are rather sure about it?—A. No, sir; I am not sure.

Q. Where did you meet Mr. Jewell?—A. I went into his office there.

Q. What is his office?—A. The index-room.

Q. Is he the same gentleman who was here with Mr. Selye? Is he the index-clerk of the House?—A. I don't know whether he is the index-clerk of the House; I know he is in that office.

Q. He is the same gentleman who was in here the other day?—A. Yes, sir.

Q. Did you not see him sitting here by Mr. Selye the other day?—A. I think I did.
Q. Did you have a conversation with Mr. Selye about this business before you went to New York?—A. No, sir.

Q. Did you see him in New York?—A. I saw him by sight—not to speak to him.

Q. Tell the committee exactly what your duties as a laborer in the cigar-room were.—
A. I used to pick up the boxes to be weighed. If there were different kinds in the case, I had to sort them out and get one of each kind and put it on the table for the appraiser, and then we would fill in the name of the ship on the stamps, and an inspector would then sign the stamps. After that we would put the stamps on the boxes.

Q. Your duty was to pick out boxes or cases?—A. To pick out boxes or cases from the different kinds.

Q. And get one of each kind and put it on the table to be weighed?—A. Yes, sir; and chalk it and put on the number of the case it came out of.

Q. What other duty had you to discharge there?—A. I filled up the stamps—that is, I put the name of the ship.

Q. You did that?—A. Yes, sir; on some—partly.

Q. Was that your duty?—A. I don't suppose it was professionally my duty, but to push things along I would fill up the name of the ship on the stamps and the date.

Q. You were then doing something when you filled up the name and the date that did not belong to your duty?—A. Yes, sir.

Q. If you made a mistake in putting the name of the vessel on the stamp and the date, that was your fault and not somebody else's?—A. Yes, sir.

Q. And if you did do anything of that kind you were doing it outside of your duties, and it was something for which you were responsible, and not anybody else?—A. Yes, sir.

Q. What other duty had you to perform?—A. Well, to cut the stamps up. They come in sheets—that is, the customs-stamps. I had to cut them up and put them on the boxes.

Q. How many persons were there in that room who did exactly the same kind of work that you were doing?—A. Two more.

Q. Were they there all the time that you were?—A. Yes, sir, except when they were sick, or any day that they were off.

Q. Are they there yet?—A. They were when I left.

Q. Were they there when you went there?—A. No, sir.

Q. How long have they been there?—A. I think it was last August or last October when Long was appointed. Then he was discharged in March, or I think the 1st of April, and he got back in four, or five, or six days.

Q. How long has Barrett been there?—A. I think Barrett has been there since June or July somewhere.

Q. Of what year?—A. Of last year, but I would not be positive about that.

Q. Who preceded these parties there?—A. Long took the place of Paul Dunbar, and Barrett took the place of Grinnell. There were others back of them.

Q. Who were they?—A. Dunbar took the place of Adelard Stoeppenel. Grinnell took the place of Isaiah Johnson.

Q. Are there any ones back of them?—A. Yes, sir.

Q. Who?—A. Ned Williams.

Q. Anybody else?—A. No, sir; that is all that I can think of that worked in that room when I did.

Q. These were all the laborers that were in that cigar-room during the time that you were there?—A. I think so, yes, sir; as far as I can recollect.

Q. Do you remember a man by the name of J. L. Morrison there?—A. Yes, sir; he was there, but not in our room.

Q. What room was he in?—A. His duty was to examine cases with wine and preserves. He was, however, right in Mr. Ringgold's office.

Q. Do you know a man by the name of George Washington?—A. He is there also.

Q. How far is this room from your room?—A. About 200 feet, I guess.

Q. They don't connect with each other?—A. No, sir.

Q. Do you understand the mode of doing business in the custom-house—how cigars would get into the custom-house and out of it again?—A. I do not know as I can go and get the papers all through.

Q. You understand the processes they go through?—A. They go and make their entry first.

WASHINGTON, D. C., May 23, 1876.

GEO. W. FERGUSON continued.

By Mr. WILSON:

Question. I asked you some questions yesterday with reference to your coming here, and where you got the means to come on; you gave me three items—\$45, \$15, and

about \$11 or \$13 you got from your brother, and a part of that was to pay a debt?—Answer. Fifteen dollars I borrowed a few days before I left there to pay a debt.

Q. So that you had about \$75, had you?—A. I think about \$85.

Q. Did you bring that away with you?—A. I mean when I left New Orleans, yes.

Q. You had that to start with?—A. I think that is about what I had. I might have had a few dollars more or less.

Q. You purchased your ticket?—A. I did not come by railroad.

Q. But of that \$85 you have been paying your expenses, including your transportation and fare?—A. Yes, sir.

Q. Then you anticipated at the time you left there that you would go on to New York?—A. Yes, sir.

Q. Did you expect to get any other means with which to get along than this \$85 you started with?—A. No, sir.

Q. You started out to make this trip to Washington, New York, and back to New Orleans on \$85?—A. Yes, sir.

Q. Did you expect to get any other money from any other source?—A. No, sir.

Q. Are you familiar with the mode of getting goods through the custom-house?—A. I am no custom-house broker.

Q. Are you familiar with the routine of business, for example, when a vessel comes into port?—A. I think I could do it.

Q. What is the first thing that is done?—A. I believe it is to make the entry.

Q. What is requisite to getting the entry made?—A. There is a blank form, I think.

Q. What does the man have to have who comes to make the entry?—A. He has to have an invoice.

Q. Does he have to have a bill of lading?—A. That I do not know.

Q. Does that invoice have to be certified to by the consul?—A. O, yes, sir.

Q. Then, to begin, there is an invoice certified to by a consul?—A. Yes, sir.

Q. How many kinds of entries are there made in the custom-house?—A. An entry where you get the goods direct from the ship to withdraw them right straight out, or a warehouse entry.

Q. That is an entry for consumption?—A. I think they call it an impost entry and a warehouse entry.

Q. If a man makes an impost entry, what is necessary then to get the goods off the ship?—A. After he gets the necessary papers he gets a permit or transfer—I do not know exactly which—and that is sent down to the inspector discharging the ship.

Q. What does that inspector do?—A. He sends the goods where the permit calls for. I have never done this myself. I am stating what I think.

Q. You only know this as you have gathered it by being around there?—A. Yes, sir.

Q. These goods are sent from the vessel in what way?—A. On a bonded dray.

Q. When they go to the custom-house on a bonded dray are they receipted for?—A. The store-keeper of the appraiser's store signs the dray-receipt—yes, sir.

Q. Has the appraiser got any papers of any kind to show him what sort of an entry has been made and what goods have been entered?—A. The invoices come down-stairs.

Q. To the appraiser?—A. Yes, sir; to the appraiser.

Q. Do they show all the goods the duty has to be paid on?—A. Yes, sir.

Q. After the goods have been examined does the appraiser make a report?—A. Yes, sir; he makes a report and I think sends the invoice up-stairs, but I would not be sure about his sending it up.

Q. And so these papers which thus travel around are checks upon the different officers?—A. That is the way I understand it.

Q. After the appraiser appraises the goods is there a permit issued to remove the goods from the cigar-room to the importer?—A. In the cigar-department, when the merchant gets a permit to have the goods brought to the cigar-room, he also gets an order to the cigar-inspector to stamp so many thousand cigars by such and such a ship. Before he can get that permit the appraiser indorses on the back, showing so many customs-stamps, and if it is a withdrawal, so many internal-revenue stamps. He signs that and sends it up-stairs to Mr. Crawford, and after that the man, if he has paid his duty, gets his permit to take his goods out.

Q. Does that permit have to have the cashier's check upon it?—A. I do not know about that.

Q. These cigars have to have an internal-revenue stamp on them before they are taken away?—A. Not for a warehouse-entry, but before they are delivered.

Q. Do you know how he gets those internal-revenue stamps?—A. He gets an order from Mr. Crawford or the deputy collector—I do not know which—to go to the internal-revenue office and buy so many stamps for so many thousand cigars—whatever the invoice calls for.

Q. He cannot get them any other way?—A. No, sir; I could not go up there and buy a stamp.

Q. You have stated as fully as you are able the routine of business in getting goods

through the custom-house?—A. Yes, sir, I think so; that is, as much as I understand about it.

Q. And just how far the one officer or clerk is a check upon the other, and how many are checks upon each other, you do not pretend to understand?—A. I know that the permit has to be indorsed by the naval officer, because after they have come down with a permit not indorsed by the naval officer the store-keeper has looked at it and has sent it back again, saying, it would have to be signed by the naval officer.

Q. That you had forgotten before?—A. Yes, sir.

Q. You remember it now?—A. Yes, sir; as I said at the start, I am no custom-house broker.

Q. Therefore you do not know how far one of these officers is a check upon the other, or how many hands it has to go through before the party can get his goods from the vessel into his own hands through the custom-house?—A. No, excepting the appraiser and the deputy collector; and, of course, before they get a permit they must have some receipt or something of that kind from the cashier to show that the duty has been paid.

Q. You do not know exactly what is done, do you?—A. Not exactly; if I had any goods I believe I could get them through the custom-house, from what knowledge I have, without the assistance of a broker, but I have never done it.

Q. In your testimony you said something in regard to Masich having a stamp or a seal; what did you mean by that?—A. I meant this: when that lot of cigars came I said to Masich's clerk, "How in the devil did you get an invoice so quick? I believe you must have the American consul's seal on it." He laughed. And I also stated, in connection with that, that there was a case of cigars came there at one time for Mr. Masich, and it had a pile of this very fine paper in it, that the paper invoices are made out on, and that paper was delivered to him.

Q. What of that; was there any fraud in it?—A. He carried it out under his arm. There was no fraud in that, but why should he want this invoice-paper? It came in with a case of cigars.

Q. Do you mean to say or intimate that Mr. Masich was making out fraudulent invoices or was using what purported to be a consular seal in making out such invoices?—A. I just stated the conversation I had with Mr. Masich's clerk. I never saw the seal. I could not swear he had it.

Q. Do you mean to say there was anything of that kind?—A. I just told the committee my conversation about getting these invoices so quick for that lot of cigars, and then about his getting this package of Havana paper.

Q. Did not you mean to intimate by that that he had a fraudulent consular seal?—A. I do not know what I intended.

Q. What was your purpose in making that statement?—A. I had no purpose except to state what he told me; that is all.

Q. But it was you that said he must have the consular seal?—A. Yes, sir.

Q. Did he say anything about having it?—A. He laughed.

Q. That was all there was of it?—A. That is all.

Q. So you do not know about any fraudulent seal or any fact in regard to anything of that kind other than what you have stated?—A. Yes; except in regard to having that invoice-paper come.

Q. When did you see that invoice-paper?—A. I do not recollect the date.

Q. Can you fix any time at all?—A. A year ago last winter some time, but I could not tell exactly; I would not be sure about what time it was.

Q. Do you know what vessel it came on?—A. No, sir; I do not think I do.

Q. It came in a case of cigars?—A. Yes.

Q. Who delivered it to him?—A. I do not think anybody did; he just picked it up and took it off.

Q. Who opened the case?—A. One of us three; probably two of us was on the one case; I do not recollect that exactly.

Q. There was some other man besides yourself who saw this was there?—A. Yes, sir.

Q. Who was the man?—A. I think Dunbar and Grinnell must have been in there at the time; I would not be positive of that, though.

Q. Where is Dunbar?—A. He is in New Orleans.

Q. What is he doing there now?—A. I do not know; I do not think he is doing anything.

Q. How long has he been out of the office?—A. I think Long took his place; it must have been last August or September, somewhere along there.

Q. In these various goods going through the cigar-room, do any of these papers pass through your hands which are necessary for the purpose of getting goods through the custom-house?—A. No, sir.

Q. None of them?—A. No, sir; except that I very often took the account up-stairs that they have to be stamped.

Q. Do you make requisitions for stamps?—A. No, sir.

Q. Do you know anything about what requisitions are made?—A. The cigar-inspector makes them.

Q. You have no knowledge of what requisitions he does make?—A. I often took them up-stairs to draw the stamps myself.

Q. Excepting in cases where he would send them up by you to draw the stamps, would you know anything at all about it?—A. No, sir; except by reading it.

Q. Do you read all the requisitions that he makes for stamps?—A. Not always; sometimes, when I am not in a hurry for stamps, I might read them.

Q. Do you, a laborer in his office, go up and read them?—A. No, sir; when he sends me a piece of paper, I am bound to see how many I get.

Q. How often does he do that?—A. He would send one of us every time he would draw a requisition; he never went himself.

Q. But in case he did not send you with a requisition you would not know how many he got?—A. No; except when it came to inquire how many stamps we had to put on.

Q. You would not know how many he put in the requisition?—A. No, sir.

Q. When you opened a case of cigars and they were ready for stamping, the inspector or the appraiser handed you just enough stamps to cover those that were to be put on those boxes that were to be stamped, and you took them and put them on; was not that the end of your duty in that regard, except in those cases where he would send you up specially to bring down the stamps for him?—A. That was the end of my duty.

Q. You kept no record of it, and had nothing to do with it further?—A. No record for the Government; no, sir.

Q. You have spoken of twelve cases that were passed through the custom-house as guava jelly; can you now give the name of the vessel on which those twelve cases came?—A. No, sir; I do not recollect the vessel.

Q. Can you now tell the month and the year that they came there?—A. Yes, sir; it was in March, 1875, I think. Recollect that, in giving these dates, I am not positive until I see my data.

Q. I am speaking of the first case of fraud you mentioned to the committee in your examination-in-chief.—A. That was the twelve cases.

Q. To whom did you say those twelve cases were consigned?—A. To Huard.

Q. Who made the entry for them?—A. I do not know.

Q. You did not see that entry made?—A. No, sir.

Q. You said first the duty was paid on that as guava jelly, did you not?—A. Yes; they went out of there as guava jelly.

Q. You now think that guava jelly was free of duty, do you?—A. That is my impression, but I am not positive in regard to that.

Q. Was it customary to have guava jelly in that room?—A. No, sir.

Q. And these cases were all marked indicating that they were cigars?—A. Yes, sir; and corded and sealed.

Q. Just as though they were cigars?—A. Yes, sir.

Q. One of them was opened and found to be guava jelly?—A. One was examined, and it was guava jelly.

Q. How was it examined?—A. By Mr. Ingalls, James Morrison, and George Washington.

Q. In what room were Ingalls, Morrison, and Washington employed?—A. Over on the other side of Canal street, in the appraiser's office, where they examine liquors, preserves, pickles, &c.

Q. How did they happen to be in the cigar-room making examination of those cases which purported to contain cigars?—A. The other two men that were in the room with me, Grinnell and Dunbar, were sent home and were told there would be no work that day.

Q. Who told them to go home?—A. Mr. Davis and Mr. Ong.

Q. Who is Mr. Davis?—A. A cigar-inspector.

Q. Then how did these other parties happen to come there?—A. They were employed in another place altogether.

Q. Did Davis and Ong tell these two men to go away before Morrison and Washington came there?—A. Yes, sir.

Q. Had any package been opened before these men were sent away?—A. No, sir.

Q. What next happened?—A. Then Mr. Ong asked me if I would take a letter up on Tchapitoulas street to order some pork bacon for his plantation.

Q. Did you do it?—A. Not right then.

Q. How soon did you do it?—A. In the course of two hours afterward.

Q. What occurred before you went away?—A. Mr. Ong went back to his office and sent Mr. Ingalls, Mr. Morrison, and Mr. Washington over to the cigar-room.

Q. Then what occurred?—A. They came over there and opened one case.

Q. In your presence?—A. No, sir; they had it opened before I got into the room.

Q. Had you gone off with this letter in the mean time?—A. No, sir; I had not gone yet; I had the letter in my pocket. They opened the case and took out a box of each kind of jelly, some round and some square, and of different sizes. Morrison gave me a round box.

Q. He gave you one to keep?—A. Yes.

Q. What next occurred?—A. Then I went in the room.

Q. What room do you mean?—A. The cigar-room, where all these twelve cases were.

Q. Where did Morrison give you this box?—A. The cigar-room is separate from any other department. You go down two steps coming from the cigar-room. Just as I was coming to that door, they had got through, and in coming out he handed me the box of jelly.

Q. Do you know where he got that box of jelly?—A. Out of that case.

Q. How do you know that?—A. That case was laid down flat; the balance of the cases were all raised up in this position, [illustrating;] that case was down, and was corded and sealed.

Q. I ask you how you know that he got that box of jelly that he gave you out of that case?—A. He told me when he came in there he thought he was going to get a good smoke.

Q. Are you employés in the habit of taking people's property in that way and appropriating it to your own use? That box of jelly belonged to the importer.—A. Not the samples.

Q. Are samples sent along with the goods?—A. No, sir; never.

Q. What do you mean by "not the samples?" Was that a sample?—A. He took it for a sample. If you have a box of jelly of three or four different kinds, they will take one case of each, and then take it over to the appraiser's office, and when they get through appraising it, if the appraiser does not want it, he gives it to anybody there.

Q. That is taken from the importer, and you are in the habit of keeping the samples?—A. I am just explaining to you the way they do it. It was given to me.

Q. You knew it belonged to that case?—A. Yes, sir.

Q. And you took it away?—A. It was a sample; it was customary; they never put samples back.

By Mr. CONGER:

Q. Why did you not tell the committee that the box given to you was a sample, and that it was customary to keep one?—A. They did not ask me that question. He gave me one of the boxes he had taken out as a sample.

Q. You did not mean that it was taken out improperly and given to you as a bribe?—A. No, sir.

By Mr. WILSON:

Q. Then what occurred after you got this sample?—A. I put that away, and I went in the cigar-room.

Q. What occurred after that with reference to those twelve cases? Did you remain there awhile?—A. I staid there awhile.

Q. How long did you stay there then?—A. I don't know exactly; I do not think I delivered the letter much before 2 o'clock; it was given to me about 11 o'clock.

Q. What were you doing the rest of the time that you stopped there, before you went with the letter?—A. I went there and examined those other cases.

Q. Who was present when you made the examination of those other cases?—A. Nobody.

Q. You were by yourself?—A. Yes, sir.

Q. What had become of the other employés, Morrison and Washington?—A. They had gone back to their department.

Q. Then what did you next do?—A. I examined those other cases; I pried open and saw the boxes.

Q. How many did you pry open?—A. About three or four.

Q. And you saw the cigar-boxes in there?—A. Yes, sir.

Q. That was the proper place for cigars to be?—A. The proper place for cigars, but not jelly.

Q. You opened some of the boxes, did you?—A. Yes, sir.

Q. And took out some of the cigars?—A. Yes, sir.

Q. And smoked them?—A. Yes, sir.

Q. By what authority did you do that?—A. Well, I saw how that was going through.

Q. Will you please state how you know that those cigars were going through improperly, when they were there where they ought to have been?—A. Because we did not open them and stamp them.

Q. But they had not gone out yet; there was time to open and stamp them, was there not?—A. There was time then, but I knew the intention was not to do so.

Q. How do you know that?—A. From Mr. Ong.

Q. What did Mr. Ong tell you about it?—A. I do not recollect his exact words.

Q. Did he tell you anything about it?—A. Yes, sir.

Q. What did he tell you?—A. Something about keeping the room locked up—not locked—something about keeping the door shut and not letting anybody go in there.

Q. Who was present when he told you that?—A. Nobody but himself and me.

Q. Did he tell you anything else?—A. I don't recollect now.

Q. Were there any other goods in the room besides those cases?—A. Not that day.

Q. There was nothing in there but those twelve cases?—A. That is all that day.

Q. Now, from the fact of Ong having told you to keep the door closed and not let anybody in, you came to the conclusion that those cigars were going through improperly and fraudulently?—A. And from what I had seen during the day—sending off those two men, and Mr. Ingalls going in and examining one case and finding jelly in it.

Q. Did you go away from there before anybody came back?—A. I went up and delivered the letter, and came back and staid till three o'clock.

Q. Who was there when you went away?—A. Nobody was in the cigar-room but Mr. Davis. The cigar-inspector sits outside the cigar-room.

Q. Was he at his post?—A. Yes, sir.

Q. Was anybody else with Mr. Davis?—A. The appraiser's store-keeper has his office in the same room.

Q. Was he at his post?—A. Either he or his clerk was.

Q. What is the name of the appraiser's store-keeper?—A. John McClellan.

Q. What is his clerk's name?—A. John Brohan.

Q. You went off and delivered that letter and returned?—A. Yes, sir.

Q. Whom did you find there when you came back?—A. Mr. Davis was there.

Q. Anybody else?—A. I don't recollect now; if there was I did not notice them. I suppose the store-keeper was there, because he or his clerk has to stay there till 5 o'clock.

Q. How long were you gone?—A. About 20 minutes.

Q. When you returned after 20 minutes' absence, what did you do with reference to those cases?—A. They were still in the room.

Q. How long did you remain?—A. Until 3 o'clock.

Q. Were they still there at 3 o'clock?—A. Yes, sir.

Q. Did you leave at 3?—A. Yes, sir; that is our time.

Q. Where did you see those cases next?—A. You know the cigar-room has one door where we receive the goods and another door where we pass in. When there is a permit to deliver any goods after 3 o'clock, or we expect any, we have a lock on that outside door, so that if the store-keeper should receive the permit he can deliver the cigars after we leave.

Q. These cases were still there at 3 o'clock when you went away?—A. Yes, sir; they were there when I went to dinner.

Q. Did you go back again that day?—A. I went up around that neighborhood to see if they would deliver them and where they were going to.

Q. What did you see?—A. They were not delivered—not that night.

Q. When were they delivered?—A. The next morning about 10 or 11 o'clock.

Q. You went back to see if they would deliver them that night?—A. Yes, sir; I did not go into the custom-house.

Q. But you went around there and watched?—A. Yes, sir.

Q. To whom were they delivered?—A. To that drayman.

Q. Do you know the drayman's name?—A. No, sir; they were both of them colored men.

Q. Who were they working for?—A. They always did Mr. Masich's draying; I suppose they worked for anybody that gave them a job.

Q. Were you on duty at the time they were delivered?—A. Yes, sir.

Q. Was there a permit brought there by the drayman?—A. I did not see what he gave the storekeeper. The storekeeper took his man in there, and hauled them out and delivered them.

Q. Openly?—A. In the day-time. The foreman of the bonded draymen, Considine, made a remark, "Champagne on ice for somebody." That remark was made to half a dozen that were standing there.

Q. They were not taken away on a bonded dray?—A. No, sir.

Q. Where did they go to?—A. They turned around on Canal street; they went up Canal street to Camp; up Camp to Gravier; down Gravier again to near Magazine street.

Q. Did you follow them around that way?—A. Yes, sir.

Q. How far were you from them at any one time?—A. Not far, so that I could just keep sight of them.

Q. You were following them for the purpose of seeing where they went?—A. Yes, sir; and saw them put them off on the sidewalk in front of the store.

Q. Those are the same cases that were consigned to Huard?—A. To H. Huard.

Q. Did you know Huard?—A. I knew him by sight.

Q. What was his business at that time?—A. I do not think he was doing anything.

Q. What had been his business before that time?—A. Some time before he worked in a cigar-store for Mrs. Gonzales—some months before.

Q. Was he doing business for Mr. Masich in any way?—A. Only in making entries for cigars and things.

Q. He was engaged for making entries on cigars for Masich?—A. Different invoices; yes, sir.

Q. How did you find that out—that he was engaged in that business?—A. As I said before, when an inspector gets an order to stamp cigars, it states on the order who the cigars are consigned to.

Q. If anything of that kind has occurred there, the records will show it?—A. Yes, sir.

Q. You never saw him make an entry yourself?—A. No, sir.

Q. All you know is what you have gathered from the papers you have seen?—A. Yes, sir. He is not known in New Orleans as a cigar-merchant. I think he was formerly captain of some steamboat some years ago, but I do not know that positively.

Q. Do you know what kind of an entry had been made with reference to these cases?—A. No, sir; I did not see the entry.

Q. If they were entered as jelly, how would they get into the cigar-room?—A. The inspector discharging the ship had orders to send 12 cases of merchandise to the warehouse. The inspector saw that they were cigars, and he sent them up to the custom-house, and the storekeeper received them as cigars, and put them in the cigar-room.

Q. How do you know that?—A. Mr. Masich told me that.

Q. That is all you know about it?—A. And Mr. Felix Herwig came down stairs there; he was excited.

Q. How did he happen to come down there?—A. I do not know what brought him down there.

Q. When did Mr. Masich tell you this?—A. About that time.

Q. The same day?—A. No, it might have been a few days afterward.

Q. How did he happen to tell you?—A. Well, I was talking to him about it, and asking him if he was going to give me some of that jelly.

Q. Then he told you that the inspector of the vessel had orders to send these cases to the warehouse?—A. To send 12 cases of merchandise to the warehouse; yes, sir.

Q. But that the inspector had sent them to the cigar-room, because they were marked cigars?—A. Yes, sir.

Q. Does not the inspector send them to the warehouse or to the custom-house, according to whether it is a warehouse entry or a custom-house entry?—A. At that time there was an order issued from the deputy collector not to send any more cigars to the warehouse, but to send all cigars direct to the cigar-room; I think it was issued by Mr. Champlin; I would not be sure, but I think it was; the order has been changed very often in regard to that.

Q. That is, if a man made a warehouse entry, which he might do under the law, and when he made that entry the permit that was given and the papers that were issued to the inspector of the vessel would require him to send them to a warehouse, yet, notwithstanding that, they would be sent to the cigar-room; is that your statement?—A. I state to you that these orders have been changed often; this particular time I state, I think there were orders issued by Mr. Champlin to send all cigars direct to the cigar-room. Now, since that, there is another order—to send all cigars direct to No. 1.

Q. But if a man made a warehouse-entry, still, his cigars must go to the cigar-room?—A. Under that order, yes, sir. We had cigars piled up in the room—cigars for months. That is the reason we had it changed again, because we had no room to work. When they make a warehouse-entry for cigars, they go to the cigar-room and get one stamp on, and we cord and seal them, and then they go to whatever warehouse the importer wishes them to go to. But if the importer has a lot of cigars coming and he does not wish to take them out, they go under "general order," and then, probably, a few days or a month afterward, he makes either a warehouse-entry or an impost-entry.

Q. You are speaking now of a case where the importer does not call for his property, and then they discharge the vessel and send the cigars to the warehouse, because he has made no entry?—A. Yes, sir.

Q. But suppose he has made an entry and it is a warehouse entry?—A. Then they would have to come to the cigar-room and get a custom-house stamp on, and then be sent back to the warehouse.

Q. They have to go to the custom-house and get a custom-house stamp on before they go to the warehouse at all?—A. Yes, sir; I think so.

Q. Then the regulation was, at that time, according to your present statement, whatever entry a man made, that they must first go to the cigar-room?—A. At that time, yes, sir; I would not be positive about that, but I think so.

Q. Did Masich tell you what kind of orders the inspector had in reference to this matter, or that he had special orders to send the cigars to the warehouse instead of to the cigar-room?—A. I did not say cigars, but twelve cases of merchandise—yes, sir; he had orders to send twelve cases of merchandise to the warehouse.

Q. All you know about that is what Masich told you?—A. Yes, sir.

Q. And you say that referred to those particular twelve cases?—A. Certainly, from Mr. Masich's conversation.

Q. You only know that it referred to these twelve cases from Mr. Masich's conversation?—A. Yes, sir.

Q. You said that Masich's clerk told you that the duty on these twelve cases was paid as jelly?—A. I do not recollect about that.

Q. State whether he did tell you that or not.—A. I had so many conversations with him and Mr. Masich, I cannot remember.

Q. Do you desire to say now that Mr. Masich's clerk did not tell you that?—A. No, sir.

Q. Do you desire to say that he did tell you that?—A. I do not remember.

Q. Who is this man of Masich's—is that the man Isaac?—A. Yes, sir.

Q. That is the clerk you have referred to all the time?—A. Yes, sir; he is a nephew of Mr. Masich by marriage, I think.

Q. When was it that Domingo told you that Ong would collect the money and not divide?—A. He has told me so a good many times.

Q. Can you name any time when he told you that?—A. He has told me so often that I cannot tell you what particular time.

Q. Was it before or after the time you saw the \$600 paid?—A. It was after it.

Q. Ever before?—A. No, sir; I do not think so.

Q. How did he happen to tell you that?—A. Well, sir, in conversation and talking; he was always grumbling about their taking a box or two boxes of his cigars.

Q. Did he mention the persons with whom Ong was to divide?—A. Yes, sir.

Q. Do you know anything about any division other than simply what Domingo said?—A. That is all.

Q. You never saw any of the parties receive any money?—A. No, sir; except Mr. Ong, one day.

Q. That is, except that which you saw Domingo pay?—A. That is all the division I saw.

Q. You said, as I understood you, that they had Ong turned out because he would not divide fair?—A. I said that was told me.

Q. Who told you that?—A. Mr. Domingo.

Q. Who did you say had him turned out because he would not divide fair?—A. He did not mention names, but he mentioned "those fellows over there."

Q. Did anybody ever tell you how the ring operated? You said, I think, the duty would be paid on 60,000 cigars, and there would be 40,000 on which no duty would be paid?—A. Yes, sir; I gave that as an example.

Q. And then they would divide \$20 a thousand on them?—A. \$20 a thousand on the over cigars.

Q. What facts are there in your knowledge that enable you to make that statement?—A. Joe Domingo told me that.

Q. Do you know any fact which shows that that is the way they operated?—A. No, sir; I cannot think of any now.

Q. So that your whole knowledge on this subject is simply what Domingo told you?—A. Joe Domingo—yes, sir.

Q. Nothing occurred in your presence in the cigar-room that indicated anything of that kind?—A. They would bring the revenue-stamps in two separate bundles, rolled up in a roll.

Q. How did that indicate it?—A. Then I have seen the manifest of the ship saying so many thousand cigars consigned, say to Domingo, and when they would come in there I would count them, and see so many more thousand.

Q. How many times did you see that?—A. I saw it a good many times.

Q. Name a case.—A. We will get them when we get to New Orleans.

Q. Name one now.—A. I say there were several; I have not got the dates with me; I cannot tell you exactly.

Q. Name a single one now.—A. You must understand this was before the stamps were changed; I have not got the dates with me.

Q. You cannot name a case, can you?—A. I will furnish the dates in New Orleans.

Q. Why did not you tell the committee that, when they were pressing you for information on this subject?—A. I suppose I did not think of that part.

Q. That was very important, and they inquired of you all about this matter of Domingo's?—A. Yes, sir; but you must recollect that they were all of them asking me questions.

Q. And they were urging you to give everything you could?—A. And they were bound to bother anybody.

Q. Tell a case now, if you can.—A. I cannot give you the date now; it occurred several times.

Q. Can you give me the name of a vessel on which cigars came, where that thing occurred?—A. No, sir; not now.

Q. Can you give the name of a single importer with reference to whom this occurred?—A. It occurred with Mr. Domingo.

Q. How many times with Mr. Domingo?—A. As I tell you, I cannot state that now.

Q. Did you ever mention this before to anybody?—A. I am under the impression that I mentioned to the committee about the overplus of cigars, and getting \$20 a thousand.

Q. You say you saw cases of this kind; you told the committee you knew nothing about it, except what Domingo told you?—A. I do not think I did.

Q. You did see cases of that kind?—A. Yes, sir; several times.

Q. But you cannot specify any time when this occurred, nor the name of any vessel?—A. No, sir; it is a long time ago.

Q. How long ago was this?—A. Before the stamps were changed; I have forgotten the date exactly; I have got the date, though.

Q. You made a memorandum of this in your book?—A. Some of them; yes, sir.

Q. You made a memorandum of the number of cigars that were received in the cigar-room that went out in excess of those which were stamped?—A. No, sir; they were all stamped—this lot that I am talking of now.

Q. You made a memorandum of those that went in and went out again without paying duty, did you?—A. I made a memorandum of those that I saw by the manifest of the steamer as so many thousand when I saw in the cigar-room so many more thousand.

Q. You have got memoranda of all those cases?—A. Some of them.

Q. Of how many of them have you got memoranda?—A. That I cannot tell you.

Q. Where did you see the invoices?—A. They publish them in the newspapers.

Q. How many of those newspapers have you?—A. I have got two newspapers in regard to those other cases I took particular pains with.

Q. Have you any newspaper with regard to any other case except that one?—A. I presume I have got pretty near the whole file of the New Orleans Picayune for the last four years.

Q. Have you kept any newspaper with reference to any manifest other than the one you spoke of?—A. Not with reference to the manifest; no, sir; I have two newspapers.

Q. Are they with reference to this same thing?—A. No, sir; another lot.

Q. What do they have reference to?—A. They have reference to the cigars that were exported from New Orleans and re-imported back.

Q. Then you have not a single newspaper with reference to the matter we are talking about now?—A. Not that I know of.

Q. You have not a paper which indicates a manifest showing cigars that went in purporting to contain a certain number when there was actually a larger number?—A. No newspaper.

Q. Have you any paper?—A. I have got a memorandum.

Q. You put this memorandum in this book yourself?—A. Yes, sir.

Q. How many of those cases have you in your memorandum-book?—A. I do not know.

Q. How did it happen that you did not mention that to the committee?—A. I think I did.

Q. You stated that before you saw Domingo pay this \$600 to Ong, Domingo admitted to you that he was illegally importing cigars, did not you?—A. He has admitted it to me often.

Question repeated.—A. I do not recollect whether I stated so, but he has said so to me often.

Q. Was it before you saw this \$600 paid?—A. Before or since.

Q. Did he admit it before?—A. Yes, sir; I think he did.

Q. Where?—A. In his office.

Q. In whose presence?—A. I think no one was present but him and me.

Q. You spoke of a conversation you had with Mr. Ong on Canal street; when was that?—A. A year ago last winter, some time, I think.

Q. Was it before or after this matter of the 12 cases we were speaking about a while ago?—A. I don't recollect now.

Q. Did you meet Mr. Ong on the street?—A. Yes, sir.

Q. Who began the conversation?—A. It was mutual; we walked up to one another.

Q. Did the conversation begin immediately after you met?—A. Yes, sir; I think so.

Q. How long were you talking together?—A. It might have been ten or fifteen minutes.

Q. Just tell us what he said.—A. He said that I was all right, and there was no danger of me being discharged.

Q. What else did he say?—A. He said he told those fellows up-stairs that I was all right.

Q. How did he happen to say this to you?—A. Every month nearly everybody is on pins and needles because reports get out that 25 or 30 are to be discharged; and always on the last two or three days of the month everybody is looking out and inquiring to find out if there is a victim.

Q. Had you asked Mr. Ong if you were in danger or not of being discharged?—A. I think so.

Q. And he replied to you, "You are all right, and you need not be afraid?"—A. Yes, sir; something in that line.

Q. Is that all he said?—A. We talked about some other things.

Q. Was that all he said on that subject?—A. I can't think of anything else right now.

Q. From this statement on his part you concluded that there was something wrong in Mr. Ong's conduct in connection with this business?—A. I concluded that he knew of course that I knew all about it as well as he did himself, and that he would see that I would be all right and not be discharged.

Q. You met and inquired of him whether or not there was any danger of your being discharged; he told you there was not; that he had told them up-stairs that you were all right; and that is all there was of it, is it not?—A. He talked with me, but I cannot recollect all that was said.

Q. That is the substance of it, is it?—A. Yes, sir; I expect that would be the substance of it.

Q. You say that Domingo told you that he was corruptly paying money to Government officials; is that right?—A. He did not use that word. He said that he was paying them money, and then they would steal his cigars besides.

Q. When was it that Mr. Masich went to Havana?—A. It was in 1873.

Q. What time in the year did he go?—A. It was in warm weather; I think it was about August or September; I would not be sure.

Q. Do you want the committee to understand that Mr. Masich, before he went to Havana, had made an arrangement with the Government officials that he was to fraudulently import cigars?—A. He told me that he had fixed things all right up-stairs; that he was going to Havana, and that he was going to import a large lot of cigars.

Q. When did he tell you that?—A. I think it was about a day or two before he left.

Q. Did he tell you in what way he had made it all right up-stairs?—A. No, sir; he did not tell me the particulars.

Q. Did he tell you with whom he had made it all right?—A. No, sir; he did not mention names.

Q. That is all he told you before he went away?—A. That is all he told me before he went away.

Q. Did he tell you anything about it after he came back?—A. Yes, sir.

Q. What did he tell you?—A. This was some time after he was back—after the seizure.

Q. The cigars came, did they?—A. I expect so.

Q. Do you know anything about their coming?—A. I know he had a good many cigars come to the cigar-room—different invoices.

Q. Do you know anything about those that were seized prior to their seizure?—A. No; not before their seizure.

Q. If I understand you now, you do not pretend to say that they had ever been in the warehouse?—A. I do not say so. I say I did not know anything about them before the seizure, but after the seizure I found out.

Q. State what you found out.—A. I found out this, then: Mr. Masich told me that on his arrival, Ernest Herwig, (Felix Herwig's brother,) met him at the wharf and told him to send his cigars to No. 6.

Q. Did he say he sent them to No. 6?—A. Yes; he said he sent them there and that was the reason he had lost them.

Q. How did he lose them if he sent them to No. 6?—A. We were talking about those cigars being seized, and of course he meant those same cigars that were seized out in the vinegar factory.

Q. Did he say so?—A. We were talking about these cigars at the time. He gave me to understand, I suppose, that they were these cigars.

Q. He gave you to understand that the cigars that were seized at the vinegar factory had been taken out of No. 6?—A. Yes, sir.

Q. How would they get out of No. 6, if they had gotten into the warehouse; could they be gotten out of there without the warehouse-keeper and the storekeeper being in complicity in some way with the parties that took them out?—A. They would have to be in the ring, too.

Q. Mr. Thiel was the warehouseman?—A. He was the manager of the warehouse.

Q. And Mr. Betts was there?—A. I do not know positively whether Mr. Betts was there or not.

Q. Before they could get out of the warehouse, the storekeeper and the warehouseman would have to be in complicity in some way or other?—A. Yes, sir.

Q. If they had been sent regularly to the warehouse, then a certain process must be gone through with to get them out, unless the storekeeper and warehouseman are in complicity with the parties?—A. They could not get them without.

Q. These parties are in the ring, too, are they?—A. I don't know.

Q. Mr. Masich told you he had sent them to No. 6, and they were taken from No. 6 to the vinegar factory?—A. He said he had sent his cigars to No. 6, and that was the reason he had lost his cigars; that he would be out about \$15,000 by it.

Q. Mr. Kinsella was the marshal who seized these cigars?—A. He is the special agent there; I think it was his deputy that seized them.

Q. Who was his deputy?—A. Dan. Hutchison. I think it was Hutchison who seized them, but am not positive; I was not there, and did not see him do it.

Q. Masich's clerk told you, or Masich told you, that after the seizure was made the deputy informed the clerk that if he could get the cigars out in an hour he would not seize them?—A. He would give him one hour.

Q. He told him that?—A. Yes, sir; I don't expect that Mr. Kinsella would make out a report that they came out from No. 6, when he had two sons there on the same payroll with himself.

Q. Was Mr. Kinsella in collusion with the persons who removed the cigars?—A. No, sir; I don't believe he was in the party to receive any of the moneys, or anything of the kind, at all. I do not believe that Mr. Kinsella would make any report against the collector of the port of New Orleans.

Q. You know nothing about these cigars having been shipped by Masich from Havana, other than what Masich and his clerk told you?—A. That is all.

Q. You say that three of these cases were stamped?—A. They had the revenue-stamp, but the custom-house stamp had been taken off.

Q. That you saw yourself?—A. I saw that in the room with "F. M." on; those three cases had gone out of our room in the regular way a few days before.

Q. Where had they gone?—A. On a delivery permit.

Q. Then here were three cases on which the duty had been paid and the internal-revenue tax paid, which were found among these smuggled cigars, which were seized?—A. Yes, sir.

Q. And that you saw with your own eyes?—A. I saw those cases; I recognized them as soon as they came in.

Q. Were the stamps on them?—A. The custom-house stamps had been removed but the revenue-stamp remained on; those three cases were very common cigars, 4,000 in each case.

Q. When the revenue-stamp was put on, that indicated the custom-house duty had been paid, as well as the internal-revenue tax?—A. Yes, sir; at the same time, they were liable to seizure, because they did not have the other stamp on.

Q. But at the same time they were found in this vinegar factory along with these smuggled cigars?—A. Yes, sir.

Q. Cigars that had paid the duty and the internal-revenue tax were seized among smuggled cigars?—A. Yes, sir.

Q. And they were cigars that had been delivered to Masich on a regular permit to remove them?—A. Yes, sir.

Q. What was it that Masich said to you in regard to the parties up-stairs having agreed to pay him their share in connection with this seizure?—A. He told me on account of its being such a big loss that they would turn over their share of the seizure, when they got it.

Q. To whom did he refer, when he was talking to you in that way?—A. I should suppose he referred to the parties that would be entitled to it.

Q. Who were the parties entitled to a portion of the proceeds of the seizure? The deputy marshal would be one?—A. No, sir.

Q. Who would it be?—A. I do not know, exactly; it is divided in four parts. I know the Government only got one-fourth at that time; the law has been changed; I do not know exactly who gets a share of it.

Q. Whoever the parties were that got a share, they were the parties that agreed to pay Masich?—A. Yes, sir; that is what I understood from Masich.

Q. So that when you got the names of the parties who are entitled to a share of the proceeds by virtue of having made the seizure, then we will have the parties entitled to divide with Mr. Masich?—A. Except the surveyor of the port. I think he comes in for a share. If he came in, I do not expect he would have got anything from him.

Q. Why did not Masich's statement to you refer just as much to the surveyor as to anybody else?—A. It did refer to all. I believe the surveyor of the port is entitled to some, and the man that made the seizure; who else, I do not know.

Q. Whoever they were, they were the parties that were to divide?—A. I do not know; the way I understood it from him, it was the parties that he considered were under obligations to him.

Q. He would have to get his division from the parties who received a part of the proceeds of the seizure?—A. Some of them.

Q. He did not mention any names, did he?—A. No, sir.

Q. He left that indefinite?—A. Yes, sir.

Q. It applied to one party entitled to a share of the proceeds just as much as to another?—A. It would, probably.

Q. You said that Mr. Herwig and his brother, as you understood, were running that warehouse No. 6; can you give any fact that indicates that?—A. I said that was the general impression; I do not know that I saw any papers of it.

Q. You know nothing about that, except that there was a general impression of that kind?—A. No, sir.

Q. You spoke merely as to the rumors?—A. That is all; as to the rumors.

Q. This exportation of cigars by Masich that he purchased from Gonzales was by what vessel?—A. A good many different vessels; there were different invoices.

Q. I mean when he exported them?—A. He exported them all on one ship.

Q. When they came back, they came back on what ship?—A. On the City of Merida.

Q. That was in March, 1875?—A. I think so; it might have been the 1st of April or along there, but I think it was March; my paper will show the date. I am not positive as to that. They went out on the steamship Hanover.

Q. You will not fix the date more definitely than that it was in March?—A. I think it was March; it might have been April.

Q. How did you find these cigars were to be imported as old clothes and furniture?—A. Mr. Masich told me himself.

Q. Did he tell you that more than once?—A. Several times, I think; we had a conversation about it.

Q. Where were you when he told you that?—A. On the street one evening, on Canal street.

Q. Was anybody present?—A. No, sir.

Q. Mr. Masich made you a sort of confidant with regard to his smuggling transactions?—A. He always talked to me about it whenever we met.

Q. You said that MacCarty entered these cigars, when they were re-imported?—A. Yes, sir.

Q. Did you see him make the entry?—A. No, sir.

Q. Did you see the entry after it was made?—A. No, sir.

Q. How did you know he made the entry?—A. He brought the revenue-stamps there, and came in to look at the cigars, and he was frightened when he saw what cigars they were; the tears almost came in his eyes.

Q. How did he come to get those cigars out of there, when there were stamps for 70,000 cigars, while there were actually 140,000 cigars?—A. I did not say exactly 140,000.

Q. How did they get out of there? Did not the permit have to come for so many to go out?—A. For so many cases; some of those cases had 15,000 to 20,000 cigars; one case was a very large case.

Q. You only know he made the entry from the fact of his bringing the stamps there?—A. I think I saw the order to stamp them; I would not be positive about that.

Q. You said you knew, from drawing the stamps, how many were entered; did you draw the stamps?—A. I think I did draw that invoice; yes, sir.

Q. And it was from that that you got your information as to the number that were entered?—A. Yes, sir; from what was stamped and those we did not stamp.

Q. Is not it possible you could be mistaken about only 70,000 being stamped?—A. I do not know; I did not state positively it was 70,000; I said it was in that neighborhood; I can show when I get to New Orleans; everybody is liable to make mistakes.

Q. There were two other men employed in that room, just exactly the same way that you were?—A. Yes, sir; two colored men.

Q. They could have stamped these cigars, could not they?—A. Without my knowing it, no, sir; when there was any work there, I never left the room, except when I was sent away.

Q. Do you say now that all the cigars in that invoice were not stamped?—A. I do not say they did not have stamps, because they had stamps on before they went away—some of them.

Q. Do you say these cigars were not stamped?—A. Not all of them stamped over again; no, sir.

Q. You are sure you are not mistaken about that?—A. I am satisfied about that.

Q. You cannot be mistaken about that?—A. There was one case I know very well was not.

Q. Could not these other men have stamped them?—A. Not without my knowing it.

Q. Were there other cigars in the cigar-room at the same time?—A. I do not recollect.

Q. Were these men at work at the same time that you were?—A. Yes, sir.

Q. Could not they have stamped these cigars and put them back in the cases?—A. No, sir; because it takes three men to do that work as a general thing.

Q. Why?—A. One stands at this side, and the other the other side; one puts on the custom-house stamp, and the other the revenue; the other cancels the stamp.

Q. That is the general rule?—A. Yes, sir; except one of us was sick.

Q. These other two men were there, engaged at the same time you were on that occasion?—A. Yes, sir.

Q. What were the names of those men?—A. Paul Dunbar and Joseph Grinnell, I think.

Q. Who were present when Mr. MacCarty told you he was to get \$5 a thousand for making entries for Masich?—A. I do not think anybody was.

Q. Where were you when he told you that?—A. I think it was by the post-office; I think it was right in the post-office.

Q. How came he to tell you that?—A. Because he had been broke up for a long time in business, and he was short of money, and we were talking about Masich. He made quite a number of entries for Masich at different times, and he told me Mr. Masich gave him \$5 a thousand for making the entries.

Q. He gave him \$5 a thousand for every thousand for all he entered, did he?—A. Yes, sir.

Q. Do you mean to say that he gave him \$5 a thousand for all that he entered, or that he was to enter cigars less in quantity than there were actually, and that he was to get \$5 a thousand for the excess?—A. No, sir; he was to get \$5 a thousand for the cigars that he entered for Mr. Masich.

Q. Did he tell you why Masich did not enter them in his own name?—A. I do not suppose MacCarty actually knew how many cigars there were in this invoice, because he never counted them.

Q. During what length of time was MacCarty making entries for Masich?—A. I do not recollect now.

Q. Who were these small importers that had been ruined by Masich's frauds?—A. I could not tell you all their names.

Q. Give me as many names as you can?—A. The man that manages the business for Santini told me he could buy cigars \$10 a thousand cheaper than he could import them; I do not recollect his name, but since Mr. Santini died he manages the business for his widow; he is a Frenchman, and he does not talk very good English.

Q. But you said "men" were ruined by Masich's frauds?—A. I cannot recollect them now.

Q. You cannot give the name of a single one, can you?—A. No, sir.

Q. Who were the persons that said that these fraudulent importations would have to stop upon the meeting of Congress, and that they would have to have money for the elections?—A. Mr. Masich. He said now Congress had met, and he was going to take everything he had in the custom-house out, and he was going to stop, but that they would commence again. "Those fellows will need money for the election, and after Congress had adjourned, they will commence again," he said.

Q. Who else said anything like that, besides Masich?—A. I do not recollect now.

Q. Did anybody else say so?—A. I do not think they did; I do not recollect.

Q. Then if you said several persons had told you so, in your examination by the committee, you were mistaken about it?—A. I do not think I said several persons.

Q. If you did say so you are mistaken in the number of persons?—A. Yes, sir.

Q. You have been over to the Treasury and made an examination of these pay-rolls you say you signed?—A. Yes, sir; we examined some.

Q. How many of those pay-rolls which you spoke of in your examination-in-chief that were signed by you did you find?—A. Of those that we examined, I found my own, and there are two or three that I would not be positive whether I signed them or not.

Q. You examined those two or three carefully?—A. Yes, sir. I would not like to swear that I did or did not sign those other three.

Q. After making that examination, you found your own and two or three you were not positive about?—A. Yes, sir.

Q. You were not sufficiently positive to swear that you did sign them?—A. No, sir.

Q. Did you find any others that you thought you had signed, or that you had any impression that you had signed?—A. There were several there that I thought a little of, but I would not be willing to swear to it.

Q. Were there any there that you intimated to the subcommittee that you thought you had signed?—A. I stated to them two or three.

Q. Was there even a single one that you intimated to them that you had signed?—A. No, sir; because I had my doubts about it.

Q. Were not these papers gone over one by one, something like 600 of them in all, one at a time, and opened by Mr. Reilly and handed to you for you to examine them?—A. Yes, sir.

Q. And did not you answer to him as to each one of them, that you did not sign them, except those two or three that you were in doubt about?—A. Yes, sir.

Q. You answered that to him?—A. Yes, sir.

Q. Do you want to make any different answer now?—A. No, sir.

Q. And with reference to these three you are not willing to swear that you did sign them?—A. Or that I did not sign them.

Q. Please give every fictitious name that you signed, that you can remember.—A. I signed one "Brown;" I could not state; it is so long ago.

Q. If you can name any other, please do so.—A. I picked out easy names to write, I know, but I can't think of them now.

Q. The only one you can give is "Brown?"—A. I think so; yes, sir.

Q. And you did not find that one in the pay-rolls you looked over?—A. Not in the pay-rolls we looked over.

Q. We went over the pay-rolls of the character that you said you signed, and very carefully, too, did we not?—A. The same kind of blanks; yes, sir.

Q. We went over them carefully, one by one?—A. Yes, sir.

Q. They were all there regularly numbered?—A. Yes, sir.

Q. And the numbers appeared on a report that you examined in which every voucher was set forth?—A. Yes, sir; I believe so.

Q. And the report corresponded with the vouchers of the character that you say you signed?—A. Yes, sir.

Q. And still you could not find them?—A. Not in that lot; no, sir.

Q. Do you now wish to be understood as intimating that there were any vouchers that should have been examined by the subcommittee which they did not examine?—A. No, sir; I intimate that there must be some more vouchers.

Q. You do not mean to insinuate that the Treasury officials kept back vouchers, do you?—A. No, sir; but, at the same time, there must be some other vouchers somewhere.

Q. Or else you are mistaken?—A. O, no, sir; there was a crowd outside of that door there—I can't tell how many—waiting to see General Sypher. At that time we kept the door locked. Some of them went so far as to climb over a lumber-pile and come into a little open space there. They were all after the general to get money for election purposes—some of them peeping through the cracks.

Q. And this was at the time you have referred to in your testimony before the committee?—A. Yes, sir.

Q. We went over this for a month before that time?—A. Yes, sir.

Q. And a month after it?—A. Yes, sir.

Q. And still they nowhere appeared?—A. No, sir.

Q. And there is not anything of the kind upon the records?—A. I did not see anything upon the records.

Q. These cases that were cut down, as you supposed, came from warehouse No. 6?—A. I believe so.

Q. You only suppose they were cut down; they only had the appearance of that?—A. They had the appearance of that.

Q. You do not pretend to know that they had been cut down?—A. I know they did not come from Havana in that shape.

Q. Why?—A. Because I never received cigars in that shape.

Q. Do you know they did not come in the shape in which they made their appearance in the cigar-room; when you saw them there, that was the first time you saw them?—A. Yes, sir.

Q. And when they went out, that is the last you saw of them?—A. Yes, sir.

Q. And that is all you know about them?—A. That is all I recollect about them now.

Q. Now give the brands or marks that were on those cases.—A. I could not do that now.

Q. Do you know anything about the vessel on which they came?—A. No, sir.

Q. Can you give any sort of clew by which the committee can identify them when they get to New Orleans for the purpose of making a thorough investigation into this matter?—A. No, sir; I could not now.

Q. Have you anything in New Orleans that will enable you to give information to the committee, so that they can trace those cases?—A. I think so, but I would not be positive.

Q. Is it on your book?—A. I do not know whether that is there or not.

Q. If it is not on your book, in what shape is it?—A. I cannot think right now of anything, but I think I can in New Orleans. It may be on my book, and it may not be.

Q. Did you understand at the time this thing occurred that it was a fraud that had been perpetrated?—A. Yes, sir.

Q. Why did you not make a memorandum of it?—A. Maybe I have got it.

Q. But you do not know whether you have or not?—A. No, sir; I would not be positive. I know we were very busy about that time.

Q. You did not make these entries on your books at the custom-house?—A. I put it on a piece of paper.

Q. You think you did not put this on a piece of paper?—A. I would not be positive.

Q. Can you tell anything about the brands of the cigars that were in those cases?—A. No, sir; I don't recollect now.

Q. Do you think you kept a memorandum of the brands?—A. I do not recollect that instance now.

Q. And you do not know whether there was any fraud in that case or not, or do you pretend to say there was any fraud there?—A. I know the cases never came from Havana that way.

Q. How do you know that?—A. From seeing so many cases come from Havana, and seeing how they were packed.

- Q. Can you give the date of that occurrence?—A. No, sir; not now.
- Q. Can you tell about what time it was?—A. No, sir.
- Q. Was the duty paid on those that you did see there?—A. I expect so; yes, sir; they were delivered and stamped.
- Q. Whose cigarettes were those that were taken out without paying duty?—A. That large case was Mr. Masich's.
- Q. When was that?—A. I cannot tell you the exact month; it was about a year ago this last winter, some time.
- Q. Can you tell me how that case could get out of the cigar-room without paying duty?—A. Except to enter it as tobacco.
- Q. Was it entered as tobacco?—A. I do not know; I know it went out without being put up into boxes of twenty-fives as the law requires.
- Q. Can you give any mark, brand, or reference of any kind that will enable the committee to identify this transaction when they get to New Orleans?—A. No, sir; not now.
- Q. Have you any memorandum at your house, in your book, or anywhere, from which you could give the committee data by which they could get at this matter?—A. I think I have got that.
- Q. Are you quite sure of it, or is that a mere guess?—A. It is a pretty hard thing to remember over three years' transactions.
- Q. These transactions you have mentioned are not very numerous, and you made these memoranda for the special purpose, as you say, that if they undertook to remove you you would have that which would prevent it?—A. Yes, sir.
- Q. You carried these cigars for Mr. De Klyne up into Mr. Packard's office?—A. Yes, sir.
- Q. Were they in boxes?—A. Cigar-boxes; yes, sir.
- Q. Explain how Mr. Ong managed to let those cigars go out without paying duty?—A. He put on the invoice "short" and "no room." For instance, if you had a case of cigars and your invoice called for 9,000 cigars, and there were only 8,000 in the case, you would have to pay the duty on the 9,000, if there was room in the case for the other 1,000 cigars.
- Q. Who was present when Mr. Ong said he would report them short; was Mr. De Klyne there?—A. Yes, sir.
- Q. And he heard it?—A. Yes, sir.
- Q. Did anybody else hear it?—A. No, sir; I do not think there was. I was tying up the cigars.
- Q. What brand of cigars was that?—A. I know there was 1,000 of Regalia Britannicas, Escepcions. Then there were some Londres Escepcions, firsts.
- Q. Any other brand?—A. That is all I think of now; there were 3,000 altogether.
- Q. Who was the importer of these cigars?—A. Mr. Gonzales, I think.
- Q. Did Mr. Gonzales ever make any inquiry about these 3,000 cigars that had been taken out of his invoice?—A. Yes, sir.
- Q. Of whom did he make that inquiry?—A. He said to me that Ong let Packard have these cigars, and he said, "Packard is a good customer of mine."
- Q. And he was satisfied with it?—A. Those are the remarks he made; he did not seem to like it.
- Q. Was anybody present when he said that to you?—A. I do not recollect.
- Q. Did Mr. Gonzales come to the office inquiring what had become of his 3,000 cigars?—A. No, sir; I think he came in the room there and I told him.
- Q. You told him about it?—A. Yes, sir.
- Q. Was anybody present when you told him about it?—A. He saw a vacant space in the box where the cigars had come out, and he asked me what had become of them, and whether they had come short, and I told him.
- Q. That is all you know about it?—A. That is all.
- Q. That was all the inquiry that was ever made about it?—A. I think so; there was no more inquiry than that that I heard.
- Q. Do you know what the value of those cigars was?—A. No, sir; not now.
- Q. When you carried them up to the office there was a clerk in there?—A. Yes, sir.
- Q. Can you give his name?—A. No, sir; but I know him by sight.
- Q. What kind of a looking man is he?—A. He is a slim man, without any beard. I think he is still there, or in a court there.
- Q. How long has he been there?—A. I think he has been there a long time.
- Q. He was one of the clerks in Packard's employ?—A. Yes, sir.
- Q. Was it a year ago?—A. It was over a year ago.
- Q. Was it two years ago?—A. Yes; I should not wonder if it was two years and a half ago.
- Q. Is that as near as you can approximate to the time?—A. Yes, sir.
- Q. Have you a memorandum of that in your book?—A. I do not think I have.
- Q. Did you ever remove any stamps from cigar-boxes?—A. No, sir.
- Q. Have you ever offered to sell any stamps?—A. No, sir; I could not get them.

Q. Did you never offer to sell any stamps to Masich?—A. No, sir; I could not get them.

Q. You never did?—A. No, sir.

Q. Did you ever offer to sell any stamps to anybody in New Orleans?—A. No, sir.

Q. And you never took any from cigar-boxes?—A. No, sir.

Q. Did you ever make any offers to persons in New Orleans that you would furnish them with stamps?—A. No, sir.

Q. Have you ever had any stamps in your possession away from the custom-house?—A. No, sir.

Q. I believe you said to the committee that you were on the police force in 1862?—A. Yes, sir; soon after Butler got there.

Q. And you were discharged?—A. Yes, sir.

Q. For disrespect to your superior officers?—A. Yes, sir.

Q. Is that the only charge against you?—A. I think so; I have a copy of the charges.

Q. Were not charges made against you other than are specified in those charges?—A. No, sir; because I went to the mayor and asked if he would give me a copy of the charges, and he gave me a copy of them.

Q. Had there been any charges against you for levying black-mail against people?—A. No, sir.

Q. Had you heard anything of that sort?—A. No, sir.

Q. Have you ever levied black-mail on people?—A. No, sir.

Q. Did you ever get money from people for not discharging the duties of your office?—A. No, sir.

Q. Nobody ever paid you money for that?—A. No, sir; I never received a cent.

Q. At no time and from no person?—A. No, sir; not when I was in an official position.

Q. Did you ever make use of your position there in connection with the police to get money out of people?—A. No, sir; to the contrary, there was a petition got up by some two or three hundred names for me to be appointed lieutenant, and that was the principal cause of my being removed, because this petition was got up for me to be lieutenant of police instead of the man that was. I was asked a question what I had done for four years prior to going into the custom-house; I was a member of the constitutional convention in 1867 and 1868.

Q. Did you sign the constitution?—A. No, sir.

Q. Why?—A. We published our reasons in the newspapers.

Q. Did not you refuse to sign it unless they would pay you for it?—A. No, sir.

Q. This band of which you have spoken was composed of employés of the custom-house who had organized themselves into a band, was not it?—A. No, sir; some of them were employed in this city [Washington] and in Baltimore.

Q. Employed at what?—A. Employed to go down there.

Q. Who was employed in this city and in Baltimore to go down there?—A. I do not know the names, but most of them were men who had been discharged a short time before that from the United States Army, and they were sent for from here; some of them, I think, lived at Washington and some in Baltimore; very few of them belonged to Louisiana.

Q. How did you learn that?—A. From conversation with them.

Q. That is all you know about that?—A. That is all.

Q. When they played at your club, was that in the day-time or in the night-time?—A. At night.

Q. When they went on the Dix, what kind of an excursion was that?—A. I do not recollect; one man went that worked in our room.

Q. What did the General Dix go down for?—A. I do not know what they went down for; there was a party on board of her.

Q. Who was the party; were there any distinguished people there?—A. Yes, sir; I read about it in the paper, but I forget now.

Q. Is all you know about it from having read of it in the paper?—A. Yes, sir; and from the man that worked in our room.

Q. How long were they gone?—A. All day.

Q. Was there more than one such excursion?—A. I do not recollect now.

Q. Do you know the steamship C. W. Lord?—A. Yes, sir.

Q. State whether or not these twelve cases that you say contained cigars and that were taken through as jelly came on the C. W. Lord?—A. I do not recollect the steamer they came on.

Q. Were they consigned to Huard?—A. I do not recollect that.

NEW ORLEANS, LA., *June 1, 1876.*

P. BURGESS HUNT sworn and examined.

By Mr. STEVENSON:

Question. Where do you reside?—Answer. Lexington, Ky.

Q. What official position do you hold, if any?—A. I am supervisor of internal revenue.

Q. What territory does your district embrace?—A. My district at this time is the district of Kentucky, Tennessee, Alabama, Mississippi, and Louisiana.

Q. How long have you held that position?—A. I was confirmed the 9th of January, 1875.

Q. What office did you hold prior to that time, if any?—A. I was the cashier of the collector's office, at Lexington, and I was a gauger of whisky.

Q. Who was your immediate predecessor in the office you now hold?—A. Mr. K. R. Cobb, North Carolina.

Q. Who now holds the position of collector of the first district of Louisiana?—A. John Cochrem.

Q. How long has he held that place?—A. I think since June, 1874.

Q. State to the committee if you know of any attempt having been made by any persons, distillers or others, in the first district of Louisiana, to bribe or to attempt to bribe any officer connected with the revenue department of the Government.—A. There was a proposition made to me at one time.

Q. State by whom that proposition was made, and when, and under what circumstances, and all about it.—A. About the 26th of February, 1875, I left my office at Lexington, Ky., to come to Mississippi to consolidate the three collection-districts of that State into two. I got to Jackson at 1 o'clock on the morning of the 1st of March, and I ascertained, before I retired that night, that the gentleman whom I wished to meet from Washington was up at Holly Springs. I returned on the next train to Holly Springs, and reached there about 2 o'clock on the afternoon of the 1st. We got through with the business at that office at Holly Springs that afternoon, so that we were ready to leave the next morning early. I told the hotel-keeper to call me at 4 o'clock the next morning, to take the train to Jackson. He came up a little before 4 o'clock, and said it was time to get ready for the train; and he said, "There is a gentleman who has just reached here on the train that wishes to see you before you start." He asked me if he should ask him up into my room. I told him no, and that I would be down in a moment. When I went down, I asked him where the gentleman was and his reply was that he had decided to see me on the train. I then went to the depot with Mr. Lotts and Colonel Shattuck. Mr. Lotts is a clerk in the Department at Washington, and Colonel Shattuck is one of the collectors of internal revenue in Mississippi. While I was purchasing a ticket at the depot, I was approached by a gentlemen who asked me if my name was Hunt. I replied in the affirmative. We shook hands. He said "My name is Watson, and I am from Louisville; and I came all the way down here to see you." After I finished paying for my ticket, and we were walking out to the coach to get in, he remarked to me more familiarly, "Colonel, we had better get in the sleeper; it is more comfortable." I said, "Very well." We walked on behind Mr. Lotts and Colonel Shattuck, and I set my valise down in the ordinary coach and I then went into the sleeper. When I got back, this gentleman offered me a cigar, and we sat down. He said, "I said to you just now that my name was Watson, from Louisville. It is not. I did not care to say before Mr. Lotts and Colonel Shattuck who I was. My name is Walsh. I am a distiller in New Orleans. I have come up here to see you. I heard you would be in Jackson on the 1st." I then asked him, for I was somewhat surprised that he should know my movements, how he knew that I would be in Jackson on the 1st. He said he telegraphed to a friend in Washington, and asked where he would find me, and the friend answered that I had expressed a desire to visit this city to the Commissioner, and he had authorized it. I was surprised at that also, because a gentleman who had those dispatches before him could not have given a better interpretation than that. He said he had been trying to find out something about me. He wanted to know what kind of a man I was; and he said he had been unable to find out very much. He said he communicated with Senator West—I do not remember now whether he said by telegraph or by letter—asking what kind of a man I was, and West's reply was that he did not know, except that I was a friend of Bristow's; and he said, "That is all I know about you, and I have come to see you just in that way." He said he had been in the whisky business at New Orleans, and had made considerable money. And then he spoke of Saint Louis and other places over the country where money was being made out of crooked whisky. He remarked that his friend at Saint Louis was making a great deal of money out of whisky. He did not say at that time who his friend was, but he afterward told me it was McDonald.

Q. You refer to the McDonald who was recently convicted there, do you?—A. Yes, sir. We sat in this sleeping-car for some time, until I had smoked up the cigar that he gave me, and we talked about various matters, some of which had no connection with rev-

venue affairs, and I got up and left the car and went forward to the other car, where Mr. Lotts and Colonel Shattuck were. We got out at the station for breakfast, and after I had had my breakfast I was walking on the platform, smoking. Mr. Walsh and I met, and he said to me, "Let us go in the smoking-car and have a good smoke." I said, "Very well." We went forward in the smoking-car and sat together. He began, and said, "Sir, I want to talk to you about how we do things in New Orleans." He began by saying that from his distillery he had paid my predecessor \$1,000 a month.

Q. Your immediate predecessor?—A. Yes, sir; and he said the other distilleries in New Orleans had paid from twelve to fourteen thousand dollars a month. He said, "I have come to see you now, and I want to make the same arrangement with you. There is no danger about this thing at all." He referred to detection. He said the money would be paid, as it had heretofore been done, through the deputy collector. He said he had a talk with the collector before he came to see me, and the collector knew that he was there to see me that day.

Q. That was Mr. Cochrem?—A. He did not call Cochrem's name. He said "the collector." He said, "When I go back I have got to report to him what you say."

By Mr. NEW :

Q. To the collector or deputy collector?—A. "The collector," he said. "I have got to report to him that the supervisor is right, or the supervisor is wrong. If I say the supervisor is right, he will tell me to go ahead, and then I will make money." He said the collector was a very timid man, but that he was a nice gentleman, and I would like him. I had never seen Mr. Cockrem then. I had never been to New Orleans since I had charge of the district at that time. He said, "He is a man you would like, but he is very timid, very cautious, and he is afraid to do anything without the concert of the supervisor." Before Mr. Walsh had finished telling me this, he did not wait for me to give him any kind of an answer, or to make any intimation of how I felt under the proposition he was making. I sat quietly and allowed him to talk. When he finished, I said to him that I believed the position or the appointment I held was attributable more to the fact that it was thought that I was honest than to anything else, and I did not propose to deceive anybody about it; and if the distillers made whisky in New Orleans, they would have to do it according to the law, if I could make them do it. His answer to that was that "if that is the way you talk, we cannot do it; we will have to stop." After a while, he asked me if I would not consider that I had given him no answer, and think about the thing, and meet him at any point I might designate, and at a time I might fix, and then say yes or no to the proposition. I told him no, that he had my answer, that I had nothing further to answer about it, that I would not meet him anywhere. He then asked me, "Why cannot you meet me at the Galt House in Louisville? It would be very convenient for you, and you could run down to Louisville from Lexington." Before he made this proposition to me, however, he asked me if I would not be in New Orleans while I was south, and I told him that I would not. I concluded, while we were talking, that I would come to New Orleans, but I did not tell him so. Then he asked me, after that, if I would not meet him at the Galt House, which I declined to do. He then asked me if he could not come to my office, and I said to him that I could not very well keep a man out of a public office, and I supposed I could not say no to that. He said, "Yes, of course, I can come to your office; I am a distiller in your district, and I can come there on business." We separated; I got off at Brookhaven with Mr. Lotts and Colonel Shattuck, where there had been a collector's office, which was to be consolidated into another district. I telegraphed from there to my chief clerk to send Special Clerk Bell to me, and to telegraph to Lexington. Mr. Bell reported to me at Jackson, after I got back to Jackson, a day or two afterward. I told him that I wanted him to come to New Orleans and take some observations and data here, and to be able to report to me by the time I arrived here.

Q. State who Mr. Bell was.—A. Mr. Bell was what was then known as special clerk to the supervisor. His duties were similar to those of a revenue-agent. I told Mr. Bell that I was going to Delta to visit the collector's office there, and then down to Baton Rouge, and when I got here I would stop at the St. Charles, and for him to look over the register and come to my room without asking for me or sending his name. So Mr. Bell reported to me here. He stated what he had seen, and he and I visited the Walsh distillery at night and we could not see anything. My object was, if affairs were crooked, as they had been represented, and I thought I could legally seize the distillery, to seize it, but I did not see any evidence on which I thought I would be justified in seizing the distillery. So the next afternoon I left for Washington. I went by way of Lexington, my headquarters. I got to Louisville about 7 o'clock in the morning, and had to wait for the afternoon train before I could leave there for Lexington. When I went into the breakfast-room at the Galt House, I saw Mr. Walsh sitting at the table eating his breakfast. After I had finished my breakfast and came down to the office, Mr. Walsh was sitting in the office. He got up, when he saw me coming down, met me, and I sat in a chair by him, and he asked me again about this matter. He said,

"Have you ever thought any more about the little affair we were speaking about?" I said, "Yes, I have thought a great deal about it." He said, "Well, I hope you have concluded to accede to my proposition." I told him no, that that thing was settled, that he had my answer, and I had nothing further to say about it, and I hoped he would not mention the matter to me again. I asked him what he was doing in Louisville, and he said he was going to New York. He asked me when I was going to Lexington. I told him that afternoon; and when I went to the depot, just as I was entering the depot, I saw Mr. Walsh get into the car on the same train that I was going on. So he went to Lexington that afternoon. His reason for going, he said, was that he had never seen the blue-grass region, and he thought he would take a little run around in that direction on his way to New York. I saw him that night at the Phoenix Hotel, at Lexington. I do not think he said anything about the proposition he had made at all, or that he mentioned it that night. He told me he would leave the next morning for Cincinnati on his way to Washington. The next morning, about 10 o'clock, as I was about to go out of my office to the street, Mr. Walsh came along the street, evidently looking for something.

Q. Where was your office?—A. At Lexington. I stopped on the steps when I saw him coming along. He was, I suppose, about five or six feet from me, when I was about to step on the pavement. He then said that he had staid over to see Avery Winston, a gentleman who lives in Lexington, but who was formerly of New Orleans, and that he had been down to see him, but had failed to see him, though he had seen his father-in-law. I asked Mr. Walsh in. He came in and sat, I suppose, fifteen minutes. He did not allude to this proposition at all, except when he got up to leave the room. He then looked at me and said, "Well, Mr. Hunt, you are the most remarkable man I have ever seen, you take this thing so good-naturedly; you don't fly off in anger." I said, "I can't feel hurt at you, but you are making a mistake." He said, "Some new men are very hard to get into this thing, and you are a new man; when Steadman came to New Orleans, we had considerable difficulty in getting him started into crooked ways; but when he got started, he went ahead of any of us," or something of that kind. We separated then; he left my office.

Q. What was Steadman's official position here?—A. He was collector of internal revenue. It is well to state that when I reached Lexington, which was on Friday night, my chief clerk, who is now revenue-agent at Tompkins, met me at the depot, and said, "I have a telegram from the Commissioner, directing you to proceed at once to New Orleans, where instructions are awaiting you." I felt somewhat embarrassed at the idea of coming back here before I went to Washington. I wanted to go to Washington to talk about affairs here, so I telegraphed to the Commissioner that I had just reached Lexington from New Orleans and found his telegram to return there; but it was important I should see him in person before I did so, and could I come? I did not want to go to Washington in the face of an order to go in another direction. I ought to have had an answer to that telegram some time Saturday morning. None came, and none had arrived up to 5 o'clock in the afternoon, so I telegraphed to the Commissioner again, "Please answer my dispatch of last night."

Q. Who was the Commissioner?—A. Mr. Douglass.

By Mr. STEVENSON:

Q. He was the Commissioner of Internal Revenue at Washington?—A. Yes, sir. I told Mr. Tompkins, my chief clerk, that I would go home—I lived in the country—and stay all night, for there was no train to get away on anyhow before Monday, and that I would come in Sunday evening, and probably he would have an answer to my telegram by that time. I came in on Sunday evening and he had received no answer, so I said to Tompkins that I would go to Cincinnati Monday morning and he could telegraph me during Monday morning what the Commissioner said—whether to go to New Orleans or whether I could come to Washington. He sent word, "The Commissioner says, come on." I then went to Washington. When I got to Washington, I saw General Bristow first. I saw him at breakfast the morning after I reached there. I told him just what had occurred and what I wanted to come to Washington for. I related to him substantially what I have said to you gentlemen now, and I said, "My principal object in coming here is to ask to be let alone; I know it has occurred that officers have undertaken to suppress fraud, and have been interfered with, and I just want some assurance that no one will interfere with me, and in a very short time I think I can straighten up things to a certain degree in New Orleans." He told me that he would not interfere with me, and that if he could prevent anybody from interfering with me, they should not do so. He told me to go ahead. He said whatever I asked for I should have. Before I left for New Orleans I talked to the Commissioner, and General Bristow said he would like to have me go with him the same day I was talking with him and see the President. We went and talked to the President about it. I left Washington with full authority to do anything that the law authorized me to do. I came to New Orleans with my chief clerk, Colonel Tompkins. My intention was to select republicans here, who were believed to be honest, and make store-keepers and gaugers of them, and put them over the distillery that was running and those that were about to run, and to remove the gaugers and store-keepers then in office. I knew

in that way, without the aid of the collector, I could collect the revenue, and the distilleries would have to run straight.

Q. In that way you could make the collection without the assistance of the collector at all?—A. I could have the whisky run off and none of it stolen, and put it in the bonded warehouse in charge of reliable officers.

By Mr. REILLY:

Q. You mean, in that way, you could prevent illicit distilling?—A. Yes, sir.

By Mr. STEVENSON:

Q. Proceed with your statement.—A. I made some inquiry about who would be reliable men for me to put in these places, and I was satisfied that I could not find such men; that is, I thought I would run considerable risk in trying anybody who might be suggested to me, and so I went to Kentucky and selected store-keepers and gaugers whom I knew personally and brought them here and put them over Mr. Carey's distillery. It was really Walsh's distillery, but it was run in the name of Carey. The distillery run five days—that is, mashed about five days—after these store-keepers had charge of the distillery, with a gauger to gauge the whisky.

By Mr. STEVENSON:

Q. State now to the committee the amount run out per barrel during the five days as compared with the period preceding that time.—A. The average per barrel, during the whole season, was from 2.60 gallons per bushel, and upward, for one month; for instance, for another month it would probably be 2.70, and another month 2.73; the highest it was any month was 2.84. In the five days that these officers were over that distillery, with the same kind of weather, the same men, the same distillery, and all things the same, the yield immediately ran up to 3.90 gallons.

Q. Was that commencing from the very day the officers took charge?—A. Yes, sir; I do not care to say that it was 3.90 the very day they took charge, but the average was 3.90 for those days, and the distillery was mashing 500 bushels, showing that at least one gallon to the bushel had been stolen. I suppose it is fair to say that would be about \$4.50 a day.

Q. There was that amount of difference per day between the five days and the preceding period?—A. Yes, sir; they gave notice at the end of five days that they would suspend operations; they gave notice to the collector that there was a leak in the distillery, and in order to repair this pipe they would have to suspend. I suspected at once that it was only an excuse to stop. It was very evident that when every day they run they made from 3.90 to 4 gallons to the bushel, when they had only been making, during the winter, not exceeding 2.84 gallons per bushel, it was telling a tale of what had been done in the past. The distillery never started again; they never stopped the leak, and they disposed of the grain that was on hand.

Q. They have not run since?—A. They have not run since. I wrote to the Commissioner and gave him a statement of the case, and of what they had made during the winter for the various months, and what they had made for the five days, and asked him to assess the parties for back taxes. He did so. The distillery was seized—that is, the assessment was sent to the collector.

Q. Amounting to how much?—A. Amounting to about \$24,000.

By the CHAIRMAN:

Q. How many distilleries were in the city at that time?—A. Only one was running.

Q. Who was the collector of internal revenue charged with the supervision of these matters at that time?—A. John Cockrem.

By Mr. CONGER:

Q. Do I understand you to say that \$24,000 was the amount which ought to have been the tax on the whisky, or was it the difference between what was paid and what ought to have been paid during those other months?—A. Yes, sir; it was the difference. The Commissioner made the assessment; I did not make it.

By Mr. STEVENSON:

Q. Proceed now with your statement.—A. This assessment was not paid and has not been paid. The distillery was seized by the collector, but only after all the whisky had been taken out of the warehouse.

Q. State to the committee the circumstances under which that whisky was taken out.—A. I had two store-keepers over the distillery; one of them was a resident of New Orleans, whom I had appointed after I took charge of the district, and the other was a store-keeper from Kentucky. I had promised the one from Kentucky that I would relieve him by the 1st of July, and that I would not leave him here after that time, as the season might be sickly. I intended to relieve him by telegraph. About the 28th of June I was in Louisville, when this Mr. Throckmorton (which was the name of the store-keeper from Kentucky) came to me there. I was surprised to see him; I sup-

posed he had probably run off from the yellow-fever or something. I asked him why he did not remain here. He said, "They have taken all the whisky out of the warehouse, and in that way I was relieved without any order from you." I asked him why it was, and he said he did not know. He said that they had been taking about fifty barrels a week before that time, and without any apparent cause they had now taken out all at once. Of course I did not understand it; but three days after the whisky was taken out of the warehouse the distillery was seized. If the whisky had remained in the warehouse and the distillery had been seized, there would have been some chance for the Government to get the \$24,000.

Q. As it is, that has never been paid?—A. No, sir.

By Mr. CONGER:

Q. They would have got the \$24,000 by seizing the whisky?—A. Yes, sir; the whisky was a thing of some value; the distillery is not.

By Mr. NEW:

Q. Did this Mr. Throckmorton make any statement or explanation to you at the time as to why he had not reported to you about the withdrawal of these 50 barrels per week?—A. There was nothing wrong about it; it was perfectly legitimate, if the tax was paid on the whisky, that it should come out of bond. It is only an inference on my part that those parties might have had some notice that the distillery was to be seized on a certain day, and that it was better to clean out the whisky.

By the CHAIRMAN:

Q. Did he make any statement to you (as he bore official relation to you) as to that fact?—A. No, sir; he knew nothing about it. When he left here the distillery was not seized; the whisky was taken out of the warehouse; he was relieved, and, of course, started at once for home.

Q. Was any explanation given of the extraordinary fact that the seizure was made just after the whisky had been removed, and not before?—A. No, sir; Mr. Supervisor Fulton and I talked about the matter, and we thought it looked rather suspicious; but at that time he had charge of the district, and I did not have, and this matter I have never investigated at all.

Q. Whose duty was it at that time to have seized the whisky?—A. The collector's. He had the assessment on his lists, and he ought to have distrained on any property in order to save the tax.

By Mr. CONGER:

Q. Do you know whether the collector had orders to seize this distillery any length of time before he executed them?—A. No, sir; I suppose he had not. It was a matter for himself to settle as to how he would get his tax.

Q. Was the distillery seized on account of the non-payment of this tax?—A. Yes, sir; that is it exactly.

Q. Do you know how long he had orders to collect the tax before the distillery was seized? In other words, how long before it was seized might it have been seized under his authority?—A. I do not suppose that it could have been seized legally before it was seized; that is my impression.

By Mr. NEW:

Q. Why not?—A. Because the assessment was made on what is known as the May list; the May list is returned to the collector's office somewhere about the 20th of the succeeding month, and the probability is that about the 18th or 20th of June he received this assessment from the Commissioner.

Q. Might he under the law at once have made a seizure?—A. No, sir; because it would hardly be fair not to give a man a little time to pay his tax; I doubt if he could have made the seizure before the 30th day of June, which was the time he did make the seizure.

By Mr. CONGER:

Q. Would it have been fair to have waited some time to collect the tax where the facts indicated fraud?—A. I don't think the law makes any difference as to that; it is an assessment.

By Mr. NEW:

Q. What was the date of the final removal of the bulk of the whisky?—A. I think probably the 26th or 27th of June. I think Mr. Throckmorton reported to me in Louisville on the 28th, and he came to Louisville immediately after the removal.

By the CHAIRMAN:

Q. What, then, were the suspicious circumstances to which you alluded in the removal of this whisky?—A. The parties had only been taking out 50 barrels per week before that time; the whisky-market was dull, and there was nothing to induce a man to take 500 or 600 barrels out in one day or in so short a time as that.

Q. You mean, then, that there was a suspicion that the owner of the whisky in the warehouse had notice of the coming seizure?—A. Mr. Fulton and I talked about that matter, and it looked suspicious to both of us. I did not investigate the matter, because Mr. Fulton had charge of the district at that time.

By Mr. NEW :

Q. You thought the concurrence of all those facts was suspicious?—A. That is it exactly.

By Mr. CONGER :

Q. Do you know if any explanation was given for that final withdrawal at that time?—A. No, sir; Mr. Tutton spoke to Mr. Cockrem about it, but what explanation he gave I do not know.

By Mr. NEW :

Q. Upon what official or officer under the law would devolve the duty of pursuing the matter further after that? Would it or not become the duty of the district attorney thereafter to look after that matter? If not his duty, what public officer, if any, would be charged with that duty?—A. It is customary for the collector of internal revenue to take care of his own district, to collect the taxes, and distrain upon property.

Q. What other steps would he or should he take, after the whisky had escaped, toward the collection of the tax assessed?—A. He could distrain on any property that the parties had, and he seized the distillery.

Q. Do you know whether any such steps were taken?—A. No, sir; I do not.

By Mr. CONGER :

Q. Can you give the committee some idea of the value of the property that was seized—what it would sell for?—A. I do not really know what it was sold for. I know it was offered, and would not sell for anything; nobody wanted it. Finally, I think the second time it was offered—I did not have charge of the district, and do not know exactly what was done—it was bid in for the Government, and it is now the property of the Government, and is in charge of a custodian hired by the Government to watch it.

Q. Did that include the building as well as the still?—A. Yes, sir.

By Mr. STEVENSON :

Q. Is that all you have to state on that matter?—A. I do not know what else I could say.

By Mr. NEW :

Q. State whether you met Walsh upon the night you visited the distillery at New Orleans in company with Bell.—A. No, sir.

By Mr. STEVENSON :

Q. When Walsh made the proffer in regard to the payment of \$12,000—\$1,000 a month from himself and the same amount from each of the other distillers—what did he say that he desired you to do or not to do?—A. He said for me to keep away from New Orleans.

Q. All that he wanted you to do was to keep away from New Orleans, and he said that the money would be paid to you by the deputy collector?—A. Yes, sir.

By the CHAIRMAN :

Q. Who was the deputy collector?—A. Probably there were half a dozen or more deputy collectors; he did not give any names.

By Mr. WOODBURN :

Q. Was it not the duty of the collector before there was a failure on the part of the owner of the distillery to pay the assessment of \$24,000 to put the matter into the hands of the United States district attorney and have him enter a suit and obtain a judgment and seize on other property in case there was any? Is not that the law?—A. I am not very clear about that.

Q. Were any steps taken by the United States district attorney to collect the \$24,000?—I do not know that there have been any; I think not. It is a matter that could be ascertained. I have not been in this district, and I do not really know what has been done here since November. I was transferred here on the 18th of April.

By the CHAIRMAN :

Q. Do you know that the tax has never been paid?—A. I cannot say that I know it; I do not think it has; I do not think I am mistaken about that.

By Mr. CONGER :

Q. Did you discover any other circumstances that would go to prove any collusion between any officers of the Government and these distillers, other than what you heard from Mr. Walsh?—A. No, sir; I cannot say that I did.

Q. Did you take any steps yourself to ascertain as to the truth of the charge that your predecessor had received money fraudulently?—A. No, sir; I did not.

By the CHAIRMAN:

Q. You stated that you had relieved certain storekeepers and gaugers, when you arrived here, and called persons from Kentucky to supply the places thus made vacant; have you any knowledge or not as to whether those persons whom you thus removed have been employed in any of the Departments of the Federal Government here?—A. I asked last year for the dismissal of two gaugers for irregularities, both of whom are now under indictment by the grand jury. They were dismissed by the Commissioner of Internal Revenue, and I understand that they were immediately after their discharge put in the custom-house. As to this I know nothing; I just understand that fact.

By Mr. NEW:

Q. Can you give their names?—A. Waldo P. Todd and Patrick Harnan.

By Mr. CONGER:

Q. What was the name of your predecessor?—A. Mr. Cobb.

Q. Was it to your predecessor or to Mr. Cockrem that Walsh referred when he said he had paid him \$1,000 a month?—A. To Mr. Cobb.

Q. Did he say he had paid any to Cockrem, the collector, or charge in any way, his complicity with it?—A. No, sir; except that he said he had talked to Mr. Cockrem before he came to see me, and Mr. Cockrem said to him to see me.

Q. Was your predecessor removed, when he was removed, for any suspicion of complicity with this illicit distilling, or for any irregularities in the internal revenue, so far as you know?—A. I do not know, except I know that Mr. Douglass had asked for Mr. Cobb's removal three or four times.

By Mr. WOODRURN:

Q. But no charge had been preferred against Mr. Cobb, so far as you know?—A. Not, so far as I know; his resignation was asked for, but through some influence he was retained each time.

By Mr. NEW:

Q. If any charges were preferred against him, you do not know it, but you have never investigated to see how it was?—A. No, sir; I have not.

By Mr. STEVENSON:

Q. State, now, what you know in regard to a man against whom there is a judgment for \$500 that has not been paid, and who is still in the Government service in New Orleans.—A. There was a letter referred to me for investigation, and one of the charges referred to in the letter was against Simon J. Flatow. The charge was that he was at one time a dealer in tobacco, and for violation of the revenue-law his place had been seized, and he was afterward made a deputy collector. I investigated the case, and I found that he was charged with failure to keep books while he was a dealer in tobacco, and suit brought for the penalty, judgment obtained, and the return made "no property found."

Q. The judgment was for how much?—A. For the penalty. The law fixes it at \$500. It would be \$500 with costs.

Q. And he is now a deputy collector in the first district of Louisiana?—A. Yes, sir; he is now a deputy collector, but he was not made a deputy collector for some years after this trouble.

By Mr. WOODBURN:

Q. How long after?—A. I suppose he was made deputy collector at the time Mr. Cockrem went into office, probably in June, 1874. The return "no property found" was made some time in 1873.

By Mr. NEW:

Q. What was the office held by him at the time the judgment was obtained?—A. He did not hold any office; he was simply a dealer in leaf-tobacco.

By Mr. STEVENSON:

Q. State what you know in regard to the sale of stamps in this district for more than the Government price.—A. Last year I had two gaugers here from Kentucky, and one of them came to my room to see me one day, and remarked that the dealers were paying, and had been paying, as far as he had observed, 25 cents for wholesale dealers' and rectifiers' stamps. The Government price for these stamps was 10 cents. It is a charge that the Government only makes for the stamps; the tax is already paid on the whisky, and it is simply put on with the object that the whisky

can be traced, and the Government officers pay for those stamps only 10 cents apiece. I sent for Colonel Tompkins and told him to go around among the dealers and ascertain to what extent this thing had gone; and he reported to me, and said that since Mr. W. J. Wilmore had been here he had been charging 10 cents for stamps, and the dealers said that they never heard of 10 cents for stamps till he came, and that they had always paid 25 cents.

Q. What was the legal price for those stamps?—A. It was 10 cents at that time. It is no part of the duty of the gauger to have anything to do with those 10-cent stamps at all, but it is a custom all over the country, as a matter of convenience both to the dealer and the collector, for the gauger, when they put on a single stamp or more—and sometimes they put on a hundred stamps at one place—to just collect this 10 cents a stamp and carry it to the collector's office.

By Mr. NEW:

Q. What officer had charge of and sold these stamps?—A. The gauger is intrusted with a book of stamps, with stubs and all, and he fills up the stub and stamp and carries it out, and that book of stamps is charged to him at the time he takes it out.

Q. Who was the gauger or gaugers during the period when the 25 cents was charged?—A. There were two gaugers on duty here then—Mr. Todd, whom I have just spoken of, and Mr. Harman. It was fully ascertained that these parties had been charged 25 cents for stamps, and I had the gaugers dismissed.

Q. Is that the dismissal you referred to previously in your evidence?—A. Yes, sir. The inference is that the 10 cents went to the collector, and the other 15 cents the gauger kept. The gauger is paid by the Government for his gauging. He has no right to charge the dealer anything.

Q. He has no perquisites?—A. No, sir.

By Mr. WOODBURN:

Q. Have you any knowledge of the number of instances where they thus charged 25 cents instead of 10 cents?—A. They charged it all the time. I asked Colonel Tompkins, when he came back, "Is it not possible that these parties are charging the old fee?" for the Government did once charge 25 cents for these stamps. That was the price before the law was changed.

By Mr. NEW:

Q. Was there nothing on the stamp to indicate its price?—A. They used at that time the old 25-cent stamp—stamps that had been already printed—until they were used up, and so I asked Colonel Tompkins if it was not possible that they were led away by this thing, and he said, "No, because the dealers say to me when the stamps were 25 cents they charged 50 cents, and that when the Government put it down to 10 cents the gaugers dropped it to 25 cents."

By Mr. CONGER:

Q. When the law put it down to 10 cents they then put it down to what appeared on the face of the stamp—25 cents?—A. Yes, sir.

Q. Did those stamps represent any particular money-value in the collection of taxes? Were they for revenue or were they to be used simply with the object of identifying the whisky?—A. Yes, sir; to identify the whisky. They were worth 10 cents apiece to the collector because he had to account for them.

Q. They were not, then, in the nature of a tax, but merely evidence of the identity of the package?—A. Yes, sir; in order to trace the whisky so that it should not lose its identity. There was only one gauger here at that time under commission, and I began to think about who I should leave here during the summer months, for I did not care to leave those officers I had brought from Kentucky here, as that would be asking a little too much of them. They said there was one gauger here under commission who had never been assigned to duty, and I had no reason to believe that he was mixed up in any way with any kind of frauds—in fact, he had never done any kind of service at all. I sent Colonel Tompkins to see him and talk to him and tell him the reason that these other gaugers had been dismissed, and, if he was satisfied that this man would try to do right, that I would assign him to duty and leave him here. He came back and said he had explained the whole thing to this gentleman, and he thought he would do right; but I found this spring that he had fallen into the same habit for which he has been dismissed.

By Mr. STEVENSON:

Q. What was his name?—A. General Baldy; I do not remember his given name.

By Mr. NEW:

Q. He was discharged for this habit of charging twenty-five cents for ten-cent stamps?—A. Yes, sir; there were three gaugers dismissed here for that.

By Mr. CONGER :

Q. Their accounts in the Department will show how many of these stamp-books they are charged with ?—A. The collector's office ought to show it ; the stubs in the Commissioner's office will show it, too.

Q. And that would show how many stamps were charged to each gauger, and that he accounted for ?—A. Yes, sir.

Q. Is there any way of showing except this testimony of dealers, with assurance, how many stamps the gaugers sold for twenty-five cents when they should have charged ten cents ?—A. No, sir.

Q. Did you, in these inquiries about this, get any positive information that the gaugers had sold for twenty-five cents, or did you take the word of the dealer ?—A. I took the word of the dealer.

Q. How many dealers told you this ?—A. They did not any of them personally tell me ; they told the officers. I sent Colonel Tompkins to inquire about it, and he came back and he said the thing was fully established, that that was the custom. I did not ask him about the number at all.

Q. You were satisfied the proof was sufficient ?—A. Yes, sir.

By Mr. NEW :

Q. Did the gaugers know the grounds of their removal ?—A. I suppose they did.

Q. Did they ever attempt to controvert the truth of the charges made against them, as far as you know ?—A. No, sir.

By the CHAIRMAN :

Q. Do you know whether they have since been employed in the Government service ?—A. No, sir ; except the two that I had dismissed last year. It was reported to me that they were employed since.

Q. What branch of the Government service ?—A. They just spoke of it as the custom-house ; I know it is not the internal revenue.

By Mr. CONGER :

Q. What were the names of the men that were removed this spring.—A. General Baldy. I do not remember the name of the other.

Q. Of all the testimony of all these facts to which you have referred, your knowledge is only hearsay ?—A. Pretty much.

Q. You have no personal knowledge of any of the facts ?—A. I do not think I have stated anything that would be very good evidence in court.

By Mr. NEW :

Q. You have personal knowledge of the attempt made by Walsh upon you ?—A. Yes, sir.

Q. You were then a Government official ?—A. Yes, sir ; of course I know that.

By Mr. CONGER :

Q. So far as relates to the truth of his assertion, that others had accepted his proposition, you know nothing but what he told you ?—A. Nothing whatever.

Q. You know that Walsh attempted to bribe you, and as one of the inducements, he told you that he had been in the habit of bribing others ?—A. Yes, sir.

By Mr. NEW :

Q. You give that as a part of the entire conversation you had with him ?—A. Yes, sir.

By the CHAIRMAN :

Q. Do you mean to say that you do not know this whisky was not removed from this warehouse or that the tax was not paid ?—A. I hardly know how to answer that ; I know it was reported to me that the whisky was removed, and that is as far as I can know anything about it, except I had seen it removed.

By Mr. NEW :

Q. The whisky was removed, and when the distillery was seized there was no whisky found ?—A. Yes, sir.

By Mr. CONGER :

Q. Did you report to the department in which you were employed, the circumstances of this attempt at bribery and the statement in regard to the alleged bribery of other officers ; and, if so, how fully and at what time, and is that report on record ?—A. No, sir, it is not on record ; I reported it in person. I stated to General Bristow substantially what I have stated here, and also to Commissioner Douglass, and also to the President.

Q. Was the report made in writing ?—A. No, sir ; it was not.

By Mr. STEVENSON:

Q. About when did you make that report to Mr. Bristow, Commissioner Douglass, and the President?—A. I think it was about March 16, 1875.

By Mr. NEW:

Q. That was the time you have already spoken of, when you went on to Washington?—A. Yes, sir.

By Mr. REILLY:

Q. Immediately after this conversation took place?—A. Yes, sir.

By Mr. CONGER:

Q. State if you have any knowledge of other practices that you judge corrupt or fraudulent among the officers of the internal revenue of this city.—A. I do not think of anything now.

By the CHAIRMAN:

Q. Have you any knowledge of the revenues or receipts in that department?—A. I think the estimated collections for this fiscal year were set down for about \$650,000; but at the time when the estimate was made by the collector, there was a distillery running and the prospect of one or two others running. The other distilleries which were ready to start did not run.

Q. Do you know of any officers in the internal revenue who were short in their accounts or settlements with the Government?—A. No, sir.

Q. How much has been received, and how much have the receipts fallen short of the estimates?—A. I do not know. I have not looked into the thing at all. I had no occasion to do that. It is a matter that can be very easily ascertained. There is the estimate of collections. The collector of the district asks for so much to pay the officers of his district, and then he puts down the probable collections for the succeeding fiscal year, and in that way I remember that he stated that his collections would probably reach \$650,000.

Q. You stated that this distillery was run in a way that caused a loss to the Government of about \$400 or \$500 a day?—A. The estimate I made was \$450 a day.

Q. Whose duty was it under the law to have looked into that matter and to have corrected it?—A. It was the collector and his subordinates—the gauger and storekeeper, more especially.

Q. Who was the collector at that time?—A. Collector Cochrem.

Q. Was any report of this fact made to the Government, and was any inquiry instituted as to the propriety of Collector Cochrem's conduct in this matter?—A. I reported the case in full.

By Mr. NEW:

Q. In the manner you have stated?—A. About the assessment; yes, sir.

By the CHAIRMAN:

Q. Verbally, or in writing?—A. In writing.

By Mr. STEVENSON:

Q. When did you make that report?—A. I am sure it was during the month of May, 1875.

Q. What action, if any, was taken by the authorities at Washington in regard to that?—A. An assessment was made for the tax.

Q. That was all?—A. Yes, sir.

By the CHAIRMAN:

Q. Did you make a report as to these stamps being sold in this department at 25 cents, when they should have been sold at 10 cents?—A. I think I gave as a reason, when I asked that these gaugers should be dismissed, that this thing had been done.

Q. You say that your subordinate officers convinced you that this was a custom prevailing here?—A. Yes, sir.

Q. Is it possible such a custom should have occurred without the knowledge of the collector?—A. It might have occurred, if he did not give very close attention to his business.

Q. If he had been a vigilant, attentive officer, could these sales have been made without his knowledge, and have continued until they had established it as a custom?—A. I hardly think they could.

Q. Why? What are the grounds for that belief?—A. I think in the first place the dealers would complain that they were paying 15 cents more for each stamp than they ought to. The tax was considerable to them. A dealer, for instance, might have 2,000 barrels in a year. There would be in that case \$300 that he would be paying out that the law does not authorize. I think that complaints would come from the dealers to the collector.

By Mr. STEVENSON:

Q. Whose duty was it as superior officer to have known the fact that the Government was losing \$450 a day by the running of the Walsh distillery, or by the manner in which it was running?—A. It was certainly the duty of the storekeeper and gauger, because the storekeeper weighs the grain and the grain is locked up, and cannot be used in the hoppers without his knowing it, and the keys of the cistern-room are in charge of the gauger, and the whisky cannot be drawn off without the gauger being there.

Q. It was impossible for that fraud to be perpetrated without the knowledge and connivance of the storekeeper and gauger?—A. Yes; you might say impossible.

Q. They were retained in office until you had them removed?—A. Yes, sir.

By Mr. CONGER:

Q. Do you mean to say that they were kept in office for a long time after they were shown to be corrupt?—A. No, sir.

Q. Did the authorities remove them as soon as you found out this?—A. Yes, sir; I asked that they be removed. I relieved them from duty, and asked that other storekeepers and gaugers be assigned in their places.

Q. Immediately?—A. Yes, sir.

By Mr. WOODBURN:

Q. Do not you know that a suit was commenced in the United States courts in this district against Mr. Walsh for the assessment of \$24,000, and that Mr. Walsh was the victor in that suit?—A. I do not know it; I suppose the records, of course, will show that.

Q. Were not witnesses subpoenaed, and they testified, and yet the Government failed to get a judgment?—A. I do not know that.

By Mr. CONGER:

Q. State whether under your administration any instances of fraud or corruption among the officials under you have been brought to your knowledge without a speedy report of that fact to the Government and the removal of the corrupt officers?—A. No, sir; I do not pretend to say that there have.

Q. Do you know of any instance where officials have been continued in the same office after charges of corruption and fraud were made against them and proved?—A. I spoke a little while ago of a matter referred to me for investigation. There was one officer charged with corruption who is still in office. I reported on that case, and referred to certain official documents that were on file in Washington for proof in the case. It was a matter about which I knew nothing at all. That man is still in office, and no action has been taken on my report.

Q. Do you know what conclusion was come to as to his guilt?—A. No, sir.

Q. My question refers only to cases where charges were made and you or your subordinates found proof of the guilt and the officer was not removed.—A. No, sir; I do not know of any case where the parties have been continued in office after proof of their guilt.

By the CHAIRMAN:

Q. Or have been kept in any office under the Federal Government?—A. No, sir; only these parties that I asked should be dismissed. I understood that they were put in other positions, but I have no knowledge of that at all.

By Mr. NEW:

Q. Who was the collector of internal revenue in this district at the time you had your conversation with Mr. Walsh?—A. Mr. Cochrem.

Q. When you reported to the President and Bristow and Douglass your conversation with Walsh, did you tell them among other things what he said about Cochran?—A. Yes, sir; I told him the whole story.

Q. Have you ever heard, or have you any knowledge of any action by the Government in the way of investigation or otherwise about the truth of what Walsh had said about him; do you know whether they ever looked into it?—A. No, sir; I do not.

Q. Is he still in office?—A. Yes, sir.

Q. If there had been any investigation of his conduct, predicated upon what Walsh had said to you about him, and which you reported to Washington, would you probably have known of it?—A. I would, if I had had charge of the district; but part of the time I was in charge of the Philadelphia district and part of the time of the Indianapolis district.

Q. How long after you reported the conversation that you had with Walsh to the President, Bristow, and Douglass, did you have charge of this district?—A. Until the 1st November.

Q. How many months would that have been?—A. I went to Washington in March and I was in charge here till November.

Q. If, during that interval between March and November, any action had been had with reference to this collector, would you have probably heard of it or had any knowledge of it?—A. The Commissioner communicates often with the collector direct, and, of course, probably writes as many letters to the collector as he does to the supervisor.

Q. You did not, during that period or at any time subsequent, hear of any investigation about the case?—A. Only in this way: Mr. Yaryan told me that a move had been made on Mr. Cochrem, but that he thought he had been kept in office; he did not tell me any of the particulars, except that Senator West had taken some part in the matter.

By the CHAIRMAN:

Q. Who was it gave you this information?—A. Mr. Yaryan; he is chief revenue agent at Washington.

Q. What did he mean; did he explain what move was made against Cochrem?—A. Either he asked him to resign or something of that kind—something to put it in that shape. When he told me that I was not in charge of the district, and I did not pay very much attention to it.

Q. Has it come to your knowledge, while you were an officer of the Government, that an attempt was made by an officer of the Government in the same department that you were in at Washington to have Mr. Cochran removed?—A. Only as I stated, through Mr. Yaryan's verbal statement to me.

Q. Do you know how his removal was prevented?—A. As I say, he spoke of Senator West taking some part in it; it was prevented through him, I suppose.

By Mr. CONGER:

Q. In regard to this distillery, you say the Government would have received \$24,000 more, if it had been properly run; would that \$24,000 have included the profits made on the excess of whisky illegally made?—A. This assessment was made by the Commissioner from what he believed. I did not ask him, in writing to him about it, to assess any particular amount, but to assess what he thought had been stolen.

Q. That assessment was based upon what under those circumstances was supposed to have been stolen?—A. Yes, sir.

Q. Which was assumed to be about \$24,000 and would have been in that neighborhood, more or less?—A. Yes, sir, I suppose so; I never made a calculation.

Q. What profits could have induced the distiller to pay \$1,000 a month when his profits would have been only \$24,000; it would have taken nearly all his profits?—A. Yes, sir; part of the time, during the winter, the distillery run at a lower capacity; they did not run it at its full capacity; I suppose, in that way, the assessment was made, based on what they were mashing each month.

Q. From the circumstances alone which you have related, can you see any particular grounds for supposing that the distiller made such enormous profits that he could have afforded to pay what he said he did?—A. No, sir.

Q. Did you believe he had paid this money, or that he was simply attempting to influence you?—A. I thought he wanted to get me started in the thing, and he wanted to make some proposition which would be attractive at least.

Q. Aside from what he said, you have no reason to believe that what he pretended to be facts about paying this money was true?—A. I have never seen any evidence of it.

Q. Either then or since?—A. No, sir.

By Mr. REILLY:

Q. Do you know what the value of the whisky was that was at the distillery at the time the seizure was made?—A. No, sir; I do not.

Q. You have no means of estimating it about?—A. I think there was about 500 or 600 gallons.

Q. What would be the value of that?—A. I do not know what kind of whisky it was.

Q. What would be the tax on that?—A. The tax would be 90 cents a gallon—about 35 barrels.

Q. Do you know anything about the basis on which this \$24,000 was assessed?—A. I do not; it was made by the Commissioner without my knowledge.

Q. State whether it was on the quantity of liquor that was then at the distillery or the supposed capacity of the distillery?—A. It was on the supposed capacity of the distillery for the previous months during the running-season.

Q. It was based on the supposed amount it had produced, according to what it did produce under the charge of your officers?—A. Yes, sir; I suppose so.

Q. What is the average yield per bushel in an ordinary distillery, such as this was?—A. It varies from 3.50 to 4.25 a bushel—that is, high-wines. With what you call Bourbon whisky and Kentucky and Robertson County whisky, they make a smaller quantity; it is made by a different process.

By Mr. CONGER:

Q. Had you or the Commissioner directed the store-keeper or gauger or the officers here what rate of product they should charge per bushel? It is usual, is it not, to establish some rate for a given time which should be considered a fair amount?—A. Yes, sir; I think, probably, this distillery was put at 3.50 as the estimated capacity of this distillery.

Q. I am told that it was 3; do you yourself know that it was 3.50?—A. I do not; I could not swear about that. If they estimate the capacity at 3.50, there is no deficit-tax, if you make 80 per cent. of the 3.50.

Q. If it was 3, the deficit-tax would have been legally charged on whatever was short of 80 per cent. of 3, but if it was found that the same grain yielded 3.90, as I understand you was the case on the average, that excess over 3 would still not have been the proper charge would it? Would they go above an established average fixed by the Department?—A. I do not know how the Commissioner made the estimate. If you make 80 per cent. of your assessment, there is no deficit-tax to pay, but if you make five gallons to the bushel, you owe the tax upon the whole thing; you owe the tax on all you make; it matters not how much you make to the bushel, you owe the tax on the whole thing.

Q. But if there is a deficit to be assessed afterward, it is only assessed up to the rate of the regulations?—A. The Commissioner may have made it in that way; I do not know.

Q. Who was Commissioner then?—A. Douglass.

Q. And who was Commissioner at the time of the seizure?—A. Pratt.

By Mr. DARRALL:

Q. What satisfied you that you could not obtain civil officers here, when you removed the gauger here?—A. I asked a friend of mine to give me the names of some men who were not mixed up in any way and were republicans. He came to see me the next morning, and told me that he could not think of any that I could get to take those places, and so I went off to Kentucky and brought men whom I knew personally.

By the CHAIRMAN:

Q. You said when you arrived here there was one distillery in operation. How many had there been, if you have any knowledge of that fact, previous to your coming here?—A. There were four running the previous year; there were three in April, 1874. There were two others preparing to run in March, 1875; I believe they had all the arrangements made to run.

Q. You were asked whether it was your opinion that what you had stated here was hearsay evidence; you do not mean to include as hearsay evidence the testimony that you get from official sources, on which you predicated your action?—A. It was hearsay evidence in that way. If a subordinate of mine came to me and made a report, I acted.

Q. The information you got was derived from reports from your subordinates?—A. From reports in which I had implicit confidence and on which I acted.

By Mr. CONGER:

Q. My inquiry had reference to any personal knowledge you might have other than what you had gained by this hearsay evidence from others. Did you so understand it?—A. Yes, sir.

By Mr. REILLY:

Q. The information you gained was in the line of the discharge of your duties?—A. Exactly.

Q. This information was either from your own personal knowledge, or gained from those you employed to give you this information; you did not hear it from Dick, Tom, and Harry, all over the country, but it was information acquired in the discharge of your duties; is that it?—A. Yes, sir.

NEW ORLEANS, June 2, 1876.

EDWARD A. DAVIS sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In New Orleans.

Q. What is your occupation?—A. I am cashier of this house, (Saint Charles' Hotel.)

Q. Have you ever had knowledge of any contract for repairing light-houses on the coast?—A. Yes, sir.

Q. You may state to the committee fully what knowledge you have with reference to contracts for the repairs of light-houses.—A. In the spring of 1874—I cannot recollect exactly what month—I was called upon by Mr. J. Hale Sypher, who asked if I would

undertake a contract to do some work at the light-house. My acquaintance with Mr. Sypher at that time was very slight. I had done some work at the custom-house for his brother, and had got acquainted with him through his brother. I told him I would like to look at the contract; so he carried me upstairs to the office of Colonel Morse, the superintendent of the building, and asked him to show me the contract. He pulled it out of a pigeon-hole, and I looked at it and read it. I found no informality in it; I supposed it was like other contracts, and so I accepted it.

Q. State what the contract was.—A. It was for some work at some light-house; I don't know exactly what the work was, or where the light-house was; I think it was down on the coast somewhere.

Q. What was the consideration of the contract?—A. I recollect that there were several items in the contract, one of \$1,500 and something. The total amount was \$5,000. I signed the contract and delivered it to Mr. J. Hale Sypher. Some four or five days afterward he called upon me at Morgan's office, (C. A. Whitney & Co.,) and asked me to go down and get the money; that the work was done. I thought it was rather singular that the work should have been done in so short a time. I went with him; he introduced me to the gentleman who gave me the check. I don't know his name. Sypher said to him, "This is Mr. Davis, who took the contract for the work at the light-house," and the gentleman handed me the check. Mr. Sypher accompanied me down to the treasury department, where I was paid five \$1,000 bills. I then handed this money over to Mr. Sypher and bade him good morning. He then said, "When I break this \$1,000 bill I will remunerate you." I knew nothing about it, and thought nothing more about it and went off. About a year after that I mentioned the act to some prominent gentleman, who asked me if Sypher had remunerated me for my services. I said "No." He then said "Why don't you make a demand upon him for 2½ per cent. commission for making the collection. So I wrote to Mr. Sypher in regard to it; I don't know whether he ever received it or not, but no answer came. I renewed the application afterward, and \$125 was paid me in installments. And that is the whole sum and substance of the case.

By Mr. NEW:

Q. Who was Mr. Sypher?—A. He was a Congressman.

Q. Who drew the check?—A. I do not recollect who drew the check; it was drawn on the treasury department.

By the CHAIRMAN:

Q. Did you indorse it?—A. Yes, sir; it was drawn to my order.

Q. Did you have any conversation with Colonel Morse in regard to this?—A. None whatever.

By Mr. NEW:

Q. Who was Colonel Morse?—A. He was superintendent of the custom-house in the construction department.

Q. Where is he now?—A. I think he is there now, unless he has been relieved. A. J. Sypher, the brother of J. Hale Sypher, is assistant superintendent.

Q. About how long was it after you signed the contract before you went and got the money?—A. I think about four or five days, as far as my memory serves me. I was so well satisfied that it was a legitimate transaction that I paid no attention at all to the dates; I took no memorandum of it at all.

By Mr. WOODBURN:

Q. Who was the other party to this contract beside yourself?—A. That I could not tell you.

Q. Did you not read the contract?—A. I did; but that has escaped my memory.

Q. Did anybody else sign the contract beside yourself?—A. I think not.

Q. Did not another party sign that contract?—A. I do not remember any one.

Q. Was anything said about the other party signing it?—A. No, sir.

Q. If you read over the contract, would you not know the name of the other party?—A. I read it over very hurriedly, and I forget it.

Q. Do you know where the contract is now?—A. It was handed back to Colonel Morse.

Q. Do you know what you were to do, according to the terms of the contract?—A. It simply said I was to perform certain work down at the light-house.

Q. Did it not state the character of the work that you were to perform?—A. I do not recollect.

Q. Was any time specified in the contract within which the work was to be done?—A. I could not say; it has been so long ago, and I not having paid any attention to the matter, that I could not say.

Q. Do you recollect what Mr. Sypher said to you in reference to this contract when he asked you to go and look at it and sign it?—A. No, sir; he just said it was a little contract he had undertaken and wanted me to sublet it, as I understood. I supposed

at first that it was something he was going to throw in my way, and give me some business.

Q. You never did anything at all on the light-house?—A. Never a thing. I never saw or heard of it till four or five days after I signed it.

Q. Did you say anything to Mr. Sypher about not having done anything when the money was paid?—A. Not a word; the check was handed to me.

Q. You thought there was something wrong about it?—A. No, I didn't. If I had I would not have gone into it.

Q. When you got the check for \$5,000 for which you had done nothing, did you not think there was something wrong?—A. No; I told two gentlemen of it afterward, and they did not seem to think it was anything strange.

Q. State their names.—A. B. J. Sage and Mr. Tupper.

Q. Do they live here now?—A. Yes, sir.

Q. Did you say anything about it to Mr. Sypher?—A. No. I think he went on to Congress, and I did not see him after that until he returned, when I met him on the street.

Q. When you asked him for this percentage on the \$5,000, did you think there was something wrong about the transaction?—A. No.

Q. If you did nothing, you were not entitled to the money?—A. I collected the money.

Q. What service did you render for the \$125?—A. I put my name on it and collected the money.

Q. You felt yourself entitled to the money for the reason that you had signed the contract?—A. After I collected the money he was entitled to pay me for it.

Q. If you had not signed the contract, but had only collected the money on that check, you would not have considered yourself entitled to so much money?—A. I do not know. I undertook the thing just simply as a matter of favor to him; he never told me anything about it, or about remunerating me. I looked over it, and signed it at his request; if I had expected anything wrong about it I would not have gone into it.

By Mr. CONGER:

Q. Do you know whether there was anything wrong in it?—A. I don't know of any proof that it was wrong; I suppose that is for you gentlemen to find out.

Q. Do you know what the contract was for?—A. I do not recollect; it was simply for some work to be done at the light-house.

Q. You do not know what light-house?—A. No, sir; I don't even know the name of the man who signed the check, because I had my own business to attend to around here, and it put me to some trouble to leave the office and go down and get the check.

Q. To whom did you first speak about this matter?—A. To Mr. Sage and Mr. Tupper.

Q. To whom have you spoken about it lately?—A. Nobody lately, I believe; it was last summer he handed me the money.

Q. You have not talked with anybody about it this year?—A. Not until yesterday, in the office here, when Mr. R. E. Rivers told me I was going to be subpoenaed; I mentioned the circumstances to him.

Q. Have you been advised to see if you could find that contract or inquire about it?—A. No, sir.

Q. You do not know what the contract contained?—A. I do not know; it did not interest me particularly at the time; it was a matter simply of kindness on my part.

Q. What were your relations to Mr. Sypher before that?—A. I was very slightly acquainted with him. I knew his brother better than I did him. He got me to do some work for him as an expert for that building; it was to make out some accounts for Mr. Mullett at Washington, and he asked me to do this work and I accepted, not dreaming that there was anything wrong.

Q. What was the character of the business you did as an expert?—A. It was to make out the quarterly report for Mr. Mullett.

Q. The work you did was writing?—A. Yes, sir; quarterly reports of the construction of the building.

Q. Your expert work was not as an artist, mechanic, or workman?—A. No, sir.

Q. You never were a mechanic or builder?—A. No, sir.

Q. You know nothing about building light-houses?—A. Nothing at all.

Q. What was Colonel Morse's full name?—A. F. Morse.

Q. Do you know whether he was superintendent of the custom-house building or superintendent of light-houses?—A. He was superintendent of the construction of the custom-house building in New Orleans; that is the way all the rolls were signed.

By Mr. REILLY:

Q. Can you give the committee any reason why Mr. Sypher should have come to you and asked you to take this contract?—A. No; except it may be this: About six months before that sealed proposals were called for for the construction of the colonnade, or whatever it is called, at the top of the custom-house, and I put in a bid for

it at \$72,000, Mr. Chouteau of Saint Louis being my surety. They were to furnish the iron. The contract was taken by a man named Clark, I think, in Baltimore, at \$45,000. When Sypher made this proposition to me I supposed he knew I was putting in bids for the custom-house work, and he wanted me to contract for his job. I took his offer in good faith as a *bona fide* transaction, and I do not know that there is anything wrong about it now; there is no proof of it to my knowledge.

By Mr. WOODBURN:

Q. Did you contemplate doing any work on the light-house when you signed the contract?—A. I don't know.

Q. You did not know what you agreed to do when you did read the items of the contract?—A. I read the contract, but I only recollect that it was something about light-houses.

By Mr. NEW:

Q. You did not take any steps to find out who was having the work done?—A. No, sir.

Q. Is it not a fact that you signed the contract simply because you were requested to do so by Mr. Sypher as a favor to him?—A. That is so.

Q. And therefore you did not read it with much care, did you?—A. I did not.

Q. And you did not look to see whether there was any other name signed to it?—A. I did not take the slightest notice, and I never heard of it again until this gentleman suggested that I should make a demand of $2\frac{1}{2}$ per cent. for collection of the \$5,000.

By Mr. CONGER:

Q. Were you so sure that it was an honest transaction and that Mr. Sypher was an honest man that you did not think you needed to look into it much?—A. Really, I cannot say that I would have suspected; I had no reason to suspect him; I never heard anybody accuse him.

Q. Mr. Sypher was a friend of yours?—A. No; I was slightly acquainted with him; I knew his brother, A. J. Sypher, very well. I was introduced to Mr. Sypher by some prominent gentleman in town; I used to meet him around at the office of Price, Hine & Co.

Q. Your idea was so strong that Sypher and his brother were honest men that you did not need to look much at the contract yourself?—A. My rule is never to suspect or accuse a man until I have positive proof that he is a rascal. If it had happened in these times, when so many rascalities are being developed, I might have acted differently.

Q. At that time things were generally done honestly?—A. Pretty much on the square, but not now, unfortunately.

Q. If I understand you correctly, there was nothing about this matter, except the fact that J. Hale Sypher was a Congressman, that led you to suspect him of any rascality?—A. I don't accuse him now, at all. I have no proof that there was anything wrong about it. You gentlemen are to discover that.

Q. Did you get any idea where this light-house was?—A. I think it was down the coast somewhere; I do not know where.

Q. Where are the light-houses down the coast located?—A. I do not know; I suppose there must be some down on the coast.

Q. Do you remember the names of any light-houses around in the country?—A. No, sir; I do not.

Q. This did not impress your mind enough to make you remember the name of the light-house?—A. No, sir.

Q. You do not know whether it was for building a light-house or repairs?—A. I think it was for repairs, as far as my memory serves me.

Q. Was it not for getting a Fresnel light?—A. I cannot tell.

Q. Do you remember at that time of a change being made in the lights and a new French light being put in?—A. I do not.

By Mr. NEW:

Q. I understand you to say that you received \$125?—A. It was \$120 or \$125.

Q. From whom did you receive that?—A. A. J. Sypher.

Q. To whom were the two letters addressed that you have spoken of?—A. Hon. J. H. Sypher.

Q. Was the money sent to you by letter or did he pay you in person?—A. A. J. Sypher paid me in person.

Q. Did you see J. H. Sypher in regard to it?—A. No, sir.

Q. Did he answer your letter?—A. No, sir; he never paid the slightest attention to it.

Q. About how soon after your second letter was sent when his brother called upon you?—A. About six or seven days, I think.

Q. The \$125 was paid you in installments?—A. Yes, sir.

Q. About what period was covered by the payments?—A. I think between twenty and thirty days.

Q. Was there any claim by you or liability on the part of either of the Syphers other than what you have named?—A. None whatever.

By the CHAIRMAN:

Q. Do you recollect whether this contract you have mentioned purported to be a contract between the United States Government and yourself?—A. I think it was.

Q. Do you know whether the money paid on this contract was paid by a private party or by a United States official?—A. It was paid from the custom-house. I think the cashier was a United States official; the check will show that.

Q. Did you render any account which showed that the contract had been complied with or that any work had been performed?—A. Not a bit; it was simply on the acknowledgment of Mr. Sypher himself, who went down and said the work had been completed and he wanted a check for the money.

Q. The interval between signing the contract and the completion of the work was how many days?—A. About five or six days.

Q. Had you any conversation with Colonel Morse?—A. None whatever.

Q. Did I understand you to say that you had no suspicions about the *bona fide* character of this transaction?—A. I did not at the time.

Q. Did it occur to you that this was a large amount of money to earn in so short a space of time?—A. When I got the check I thought it was singular that the work should be done in so short a time.

Q. Did it occur to you as extraordinary that this amount of money should be paid to you by the United States Government and that you should receipt for it, as you state, by indorsing the check, when you had in fact performed no work for the Government?—A. Yes, sir; it did look a little extraordinary that in so short a time the work could have been accomplished and the \$5,000 paid.

Q. Five thousand dollars for doing nothing?—A. For doing nothing.

Q. Do you say that created some suspicion?—A. A little. I did not give it any thought there was anything wrong about it afterward.

Q. Did you regard this \$5,000 as your money?—A. No, sir.

Q. Did you feel that you had earned this money?—A. No, sir.

Q. Did you know that anybody had earned this money which you had received?—

A. That I can't say. I don't know whether the work was really done or not.

Q. Have you learned since in any way any particulars of this transaction?—A. No, sir.

Q. Your receipt now stands among the Government vouchers for \$5,000?—A. Those people who would talk about it would say they supposed it was used for electioneering purposes.

Q. State from whom you heard that.—A. It was in general conversation.

Q. Have you any information that this work purported to be done on the light-house at or near Fort Livingston?—A. No, sir; I have never heard it.

Q. You cannot, to the best of your recollection, say that it was not at Fort Livingston?—A. I cannot.

Q. Can you recollect whether or not it was at the light-house at Balize?—A. I could not say positively where it was.

Q. Would you know the contract if you were to see it?—A. Yes, sir; my name is on it; my signature would identify it.

Q. Are you certain that no time was specified in that contract within which the work was to be completed?—A. I am certain that when that contract was signed nothing was said to me about the time to be consumed in doing the work.

Q. The contract itself recited the terms on which it was based?—A. I have no doubt of it. If he had said that this thing was going to take so short a time or had intimated to me that it was to be a job of any kind, I should have declined.

By Mr. WOODBURN:

Q. Is Colonel Morse here now?—A. I do not know.

Q. Have you seen him recently?—A. Not recently.

Q. Do you not know that he has left?—A. I do not. I saw it stated some time ago that somebody was to relieve him.

Q. Who now occupies the position in the custom-house that Colonel Morse occupied?—A. I suppose Assistant Superintendent Sypher.

By Mr. DARRALL:

Q. You said that, in addition to being employed as cashier of this house, you were employed in Morgan's office?—A. Yes, sir.

Q. How long have you been employed in Whitney's office?—A. Two years. I am not employed there now; I am cashier of this house now.

Q. You are very positive that this contract purported to be a contract in regard to light-houses?—A. Yes, sir.

Q. Is it not within your knowledge that Colonel Morse was superintendent of the construction and repairs of the custom-house, and had nothing to do with light-houses?—A. That may be all very well; but he was simply custodian of that paper. He may have held it over only one night.

Q. Have you ever seen any other contracts of that nature?—A. No, sir; not like it.

Q. Was the gentleman who gave you the check the cashier of the custom-house proper?—A. Yes, sir; I think he was.

Q. Was he the cashier for the construction-department?—A. No, sir; I believe the money paid for the construction of that building comes from the collector of the port.

Q. It was the cashier in the collector's office?—A. That is what I should think. I went down stairs.

Q. Do you know his name?—A. I do not; I forget.

Q. Was it Simpson?—A. I could not tell you. The check will show that very readily.

Q. Where were you when Mr. Sypher came to make this proposal to you about the contract?—A. I was in the ticket-office of Morgan's ferry-landing. It was in the morning.

NEW ORLEANS, June 2, 1876.

MATTHEW CUNNINGHAM sworn and examined.

By Mr. REILLY:

Question. Where do you live?—Answer. 175 Marigny street.

Q. How long have you lived in this city?—A. About twenty-one years.

Q. What is your business or occupation?—A. I am a plumber by trade.

Q. State whether or not you have been employed by the Government of the United States in any capacity whatever.—A. Never, except that I was once deputy United States marshal; that was in 1872.

Q. How long did you act as deputy United States marshal?—A. Two or three days, I believe. I do not recollect.

Q. That was for a special occasion only?—A. During the election.

Q. What was your business in 1872?—A. I believe I was at the polls some place.

Q. But what did you work at then?—A. I was working at my trade, I believe.

Q. State whether or not you ever received any money from any United States official upon any pay-roll or anything of that kind.—A. None, except that time.

Q. What time do you mean?—A. When I was United States deputy marshal.

Q. And how much did you receive then?—A. It was a small amount. I do not recollect the amount. I do not think it was more than \$15 or \$20.

Q. That you received for services as deputy United States marshal?—A. Yes, sir.

Q. State whether or not you rendered any service in the custom-house in August, 1872.—A. No; never.

Q. Did you receive any pay for services alleged to have been rendered in the month of August, 1872?—A. No, sir.

Q. Did you sign any voucher or pay-roll or receipt in the custom-house or elsewhere for a month's wages?—A. No, sir.

Q. Did you authorize your name to be attached to any such voucher or receipt for the sum of \$93?—A. No, sir.

Q. Did you know that your name was so used?—A. No, sir.

Q. Or for the month of September of the same year?—A. No, sir.

Q. Do you know that there is such a voucher or receipt with your signature on the files, either at the custom-house here or at the Department in Washington, showing your receipt for \$93 for the month of August, 1872, and for \$90 in the month of September, 1872?—A. No, sir; I never signed a roll and never received any money at that time.

Q. Do you know any other person by your name in this city?—A. I know plenty of Cunninghams.

Q. Do you know another Matthew Cunningham?—A. No, sir.

Q. Do you know any person of that name that worked in the custom-house during that year of 1872?—A. No, sir; I do not.

Q. Do you know a man by the name of John Woolrich?—A. No, sir; I do not believe I do.

Q. Do you know a man by the name of Benjamin Mancini?—A. I know a man by the name of Vanscini, I think.

Q. Did you have any conversation with, or was any proposition of any kind made to you by, any person holding a position under the United States Government, in 1872, when you were appointed deputy marshal?—A. No, sir.

Q. Or with any person connected with a political organization?—A. No; I belonged to a ward club, the same as pretty much everybody does in the city.

Q. No one solicited your political influence in his behalf during the year 1872?—A. No, sir.

Q. You are quite positive about not having signed your name to any voucher or receipt for any money at the custom-house?—A. I am positive.

Q. And that you never received any?—A. I never received any.

Q. Neither the sum of \$93 in August or \$90 in September?—A. No, sir; I did not.

By Mr. CONGER:

Q. Tell us the date when you were marshal.—A. I could not tell you.

Q. Can you state the year?—A. Eighteen hundred and seventy-two I believe it was.

Q. It was the time of the election.—A. Yes, sir.

Q. Do you know what election?—A. The last presidential election.

Q. That would have been in the fall?—A. The election takes place in November.

Q. Did you have any communication with anybody about receiving any money for any political purpose from any republican?—A. No, sir.

Q. Did you have any offer of any money to work for the republican party?—A. No, sir; I did not.

Q. You spoke of belonging to a club; was it a republican club?—A. No, it was a democratic club.

Q. At the time you were marshal, you were appointed about the time of the election for service during the election?—A. Yes, sir.

Q. You were paid as a marshal for that election?—A. Yes, sir.

Q. You gave a voucher for it, did you?—A. I do not recollect whether I signed a payroll or not.

Q. Do you remember who paid you as marshal?—A. I was paid in the custom-house.

Q. Whatever paper you ever did sign, you signed for this service?—A. For that and that alone.

Q. You did sign one for that purpose?—A. I am not certain whether I did or not; I think I did.

Q. That was for only two or three days?—A. That is all.

NEW ORLEANS, June 2, 1876.

CHARLES GIESECKE sworn and examined.

By Mr. REILLY:

Question. You are a resident of this city?—Answer. Yes, sir.

Q. How long have you lived here?—A. I was born and raised here.

Q. What is your business?—A. Drayman.

Q. State whether or not you have been employed in the conveyance of merchandise and goods from the custom-house and warehouses, or elsewhere.—A. I never hauled any goods from the custom-house to a warehouse or from a warehouse to the custom-house. I never hauled for the custom-house at all.

Q. State whether or not you were engaged to haul any goods from a warehouse elsewhere.—A. I was on several occasions employed to haul goods from a store on Gravier street to bonded warehouse No. 6, and from bonded warehouse No. 6 to the store.

Q. What store on Gravier street?—A. I think the name is Morton; it is between Camp and Magazine, and I think it is either No. 98 or 100.

Q. What business was carried on at that store?—A. I judge from the appearance that they dealt in imported goods and sold by samples.

Q. Please state to the committee the manner in which you conveyed these goods to and fro between the store and the bonded warehouse, what goods you took, and all about it, so far as the facts came to your knowledge.—A. What goods I took I can't say, because they were cased; whether there was any goods in the cases I do not know. I was engaged several times to haul goods from the store to bonded warehouse No. 6, and of course the way they went in and were taken out seemed to me very mysterious; it was done very quick; whether there was anything wrong I don't know. I know I was paid for taking them there and taking them out.

Q. State to the committee what you did in the matter.—A. That is what I did on several occasions.

Q. State whether the goods you took from this store to the warehouse were the same goods you brought back, and state the manner of putting the goods into the warehouse and of taking them out.—A. I am only speaking about cases; I don't know there was any goods in the cases or not. I took cases to the warehouse, but I don't know whether the same cases were taken back to the store or not.

Q. In what manner were those cases taken in and out of the warehouse?—A. It

seems to me they went in light and came out heavy; that is the way I looked at them, because they were heavier in coming from the warehouse than in going there.

Q. How soon after you would put these cases in would you take others out?—A. Two or three days afterward.

Q. In what part of the warehouse would you load and unload these goods?—A. Always in the rear. The way I had always seen cases coming in and going out was always at the front. The whole building fronts on three streets, and very seldom I have ever seen goods going in from New Levee street. It was always done in a great hurry, and on the back street, where there was but little traffic—nothing more than the street-cars passing through it.

Q. When you would be employed on these occasions did you receive any instructions as to how this should be done?—A. No; I never received any instructions.

Q. Were you told to be in a hurry?—A. Of course I was instructed to be in a hurry about it and not to delay. If there were two wagon-loads I had to bring two wagons; it could not be done with one.

Q. You have been engaged in business as a drayman for a considerable time?—A. No, not for a considerable time.

Q. How long?—A. Some seven or eight trips; not outside of seven trips.

Q. I mean in the general business of draying.—A. I have been in the general business six years.

Q. Have you had occasion to go to this warehouse on other business?—A. I never took anything else out of that warehouse except cotton-ties, and that was several years ago. That has nothing to do with this business.

Q. What persons did you come in contact with on those occasions?—A. A very stout sandy-complected man; I don't know his name; and there were three or four negro warehousemen there all the time.

Q. You came in contact with no officials—store-keeper, clerk, or other official?—A. He was warehouse-keeper.

Q. Who was he?—A. I don't know who he was; I know it was not Herwig or any of those. This gentleman was always there, and I always saw him when I went there to get goods for parties.

Q. Do you know of any other drayman being engaged as you were about that time?—A. No, sir.

Q. You say you made about six or eight trips?—A. Yes, sir.

Q. How many cases would you take?—A. Sometimes I could take four very large French cases, and sometimes five, and bring just about that same quantity. In fact, I did not always bring back cases; I took cases in oftener than I took out. I think I only took out once or twice. Evidently somebody else hauled them out and I took the cases back, but whether there was anything inside those cases or not I don't know. They were mighty light; I know I could load them up myself, and if they were full I could not do it at all.

Q. How large were the cases?—A. Some of them were as large as this table, and had to be loaded cross-ways on the wagon; they were large French cases.

Q. Did you receive any instructions in writing from any party?—A. No receipts of any kind.

Q. What were your instructions to do?—A. To take them there and they would be received. When I came there the doors were always open ready to receive them; they were notified I was coming.

Q. When you got there they were loaded up without directions?—A. I never got any directions. It seems they were instructed before I got there. At the corner I went in was a door to drive to and inquire where to go, but before we got to that the door would be thrown open; it was known that I was coming.

Q. How did it come that you would go around to the rear entrance instead of the usual place?—A. That was the instructions—to go to the back street.

Q. And to load there also?—A. Yes, sir; in the back street.

Q. When was this?—A. This was about a year ago.

Q. Those six or eight trips you made occurred within what space of time?—A. Three or four months.

Q. That was about a year ago?—A. Yes, sir; about a year ago.

Q. What class of goods did this importer, Mr. Morton, keep?—A. From what I could see down stairs, it seemed to be tin goods, such as saucepans, spoons, &c. I never got upstairs; in fact, I had no business upstairs; when the cases were loaded and unloaded I would drive off. There was no regular store down-stairs at all; they kept their sample-room upstairs. Any one passing there a thousand times would not know that there was anything for sale in that establishment.

By Mr. WOODBURN:

Q. What was the name of the person who employed you first to take a load of goods from the store to the warehouse?—A. It was one of Mr. Morton's clerks.

Q. What did he say to you?—A. He came and asked me if I wanted to make a load.

I told him, of course I did. He told me to drive to Gravier street and back up my wagon; cases would be ready. When I got there the goods were lowered from the hatches from the second and third floors and put on the wagon. When everything was ready I asked him where to drive to, and he came down-stairs and told me to drive to bonded warehouse No. 6, rear entrance.

Q. Did he say on that occasion that there was any necessity for being in a hurry?—

A. Yes, sir. I wanted to drive one wagon on Magazine street, because Gravier street is so narrow that if two wagons are inside the street at the same time a third cannot pass; but he told me not to put the wagon in Magazine street, but to drive into Bank place, a small alley right back of the Times. I thought from that that there was something crooked about that affair.

Q. Were there any marks or writing of any kind on the boxes?—A. Nothing but the numbers, that I took any particular notice of.

Q. You had been in the draying business about five years before that time?—A. Yes, sir.

Q. Did you ever handle any cases similar to those?—A. Yes, sir.

Q. Could you tell when you were loading those cases whether they were empty or not?—A. I could tell by the feeling that there was no great weight in them.

Q. Could you tell whether they were empty or not?—A. No, sir; not well.

Q. They were large cases, were they not?—A. Yes, sir.

Q. If they were only half or quarter full, could you very readily detect it?—A. Yes, sir; if they were only half full.

Q. You say that there was not much in them?—A. I can fill a certain sized case with shavings, and you can't tell whether it is full of something or nothing; but if the case is half full of something weighty it would tumble from one side of the case to the other.

Q. You would notice it then?—A. Of course.

Q. If it was filled at all it must have been with some light substance?—A. Yes, sir.

Q. Something like shavings?—A. Yes, sir.

Q. On every occasion that you took a load from that store were you instructed to be in a hurry?—A. Yes, sir.

Q. Did you think that there was anything unusual about the instructions you received when you were engaged to do this business?—A. I thought so.

Q. What made you think so—the mere fact that the clerk told you to be in a hurry?—

A. That was one reason, and then I always found the door open for me.

Q. Did you ever haul any goods for that store before?—A. No, sir.

Q. When you hauled the first load of goods from the bonded warehouse could you not tell whether they were the same cases that you had hauled to the warehouse from the store?—A. No, sir; I could not tell.

Q. Were they similar in character?—A. They were similar in appearance. They were French goods that I took out.

Q. You could not tell whether they were the same numbers?—A. No, sir; I paid no attention to the numbers.

Q. There was no writing on the boxes?—A. There was some writing.

Q. Can you not tell what it was?—A. No, sir; I didn't pay attention.

Q. None at all?—A. No, sir.

Q. If you thought there was anything wrong or unusual, was it not natural that you should pay some attention to the writing on the cases and even to the numbers?—A. No, sir; I don't think so.

Q. Why?—A. I was employed to move the goods; I did not look at the marks; I looked at the receipts.

Q. In this case you thought there was something wrong?—A. I thought so—yes.

Q. Something wrong between some of the custom-house officials and the store-keeper?—A. Not the custom-house officials, but the bonded warehouse officials.

Q. And notwithstanding that fact, you did not pay any attention to the marks at all?—A. No attention.

Q. What was the name of the clerk?—A. I don't know the gentleman's name.

Q. Do you know whether he is in the city now or not?—A. I saw him there several days ago; I think he is there yet.

By Mr. CONGER:

Q. If he is here yet, would it be any great trouble for you to go and learn his name and tell the committee?—A. I am not interested in the gentleman's name; I don't think it is my business to find him out.

Q. Would you be willing to identify him?—A. Yes, sir.

Q. Will you, if you can, find out his name and give it to the chairman or some member of the committee?—A. It is just as easy for some of your men that you have to subpoena witnesses to find out his name.

Q. They do not know which one you were talking to.—A. I will call around there any time they say so. I have got no time to run backward and forward to find out people's names; I have got my wagons to attend to.

Q. Was this warehouse No. 6 built around the block?—A. It has two fronts; it used to have three, but the upper end is burned.

Q. It is built around the block?—A. Yes, sir.

Q. It has entrances on all the streets that it is built on?—A. Yes, sir.

Q. Is it all one warehouse on the inside?—A. Yes, sir.

Q. Is it customary in all these large warehouses to have particular places for particular goods?—A. I have always seen them load and unload at the front.

Q. If that part of the warehouse was filled, it would be necessary to take the goods across to some other part, would it not?—A. Yes, sir.

Q. If they were to be put in a particular part of the warehouse the goods would be put in at the door nearest that part?—A. Not in all cases. I have hauled very heavy goods from the rear that were brought from the front portion on trucks. The front is on Fulton street and the rear on New Levee street.

By Mr. WOODBURN:

Q. Did you ever communicate to anybody your suspicions that there was something wrong in reference to this business?—A. I did, once or twice.

Q. How long ago did you first communicate your suspicions to any one?—A. I don't remember exactly.

Q. Was it recently?—A. Not that I know of.

Q. Was it during the time you were hauling or shortly after you hauled your last load?—A. I think it was about a month or so ago that I first spoke about it.

Q. Do you recollect to whom you first spoke about it?—A. No, sir.

By Mr. CONGER:

Q. When a drayman goes to get goods he has a written order?—A. He is supposed to have.

Q. Did you have one?—A. No, sir.

Q. Did any one go with you?—A. Yes, sir; another wagon went with me.

Q. Did the driver of that wagon have a written order?—A. No, sir; I own the wagon and hire the driver.

Q. No one else went with you?—A. No, sir.

Q. Who got the order for the goods at the warehouse?—A. I don't know; I never delivered any. I did not know that there was any order made at all.

Q. When you went to get these goods somebody had to give an order?—A. I don't know whether anybody did; I know I did not.

Q. You did not have any order?—A. No, sir.

Q. Was this bonded warehouse a place where goods were sent to be exported?—A. No, sir; I think goods are sent there on which the duties have not been paid; that is the way I understand the bonded system.

Q. It is where parties go and pay their duties and take the goods out?—A. Yes, sir.

Q. And where they could go and pay the duties on part and take part out?—A. Yes, sir.

Q. And if they took part out, they would send boxes to get that part in?—A. I don't know whether they would send other cases to get part of the goods in or not.

Q. If they took part of the goods, they would have to divide them?—A. I could not answer that, because that part I don't know anything at all about. I don't know anything about the inside workings, whether they empty the cases or send them out full.

By the CHAIRMAN:

Q. Was there anything peculiar in the mode of delivery of these goods to you—any undue haste in getting the goods on your drays and closing the doors? Was there anything that looked suspicious?—A. Yes, sir.

Q. State to the committee just what those circumstances were that created a suspicion in your mind that there was undue haste.—A. When I went there once or twice they were in a hurry to get the goods off. If there were two wagon-loads, they would not let me come twice with one wagon, but I had to bring two wagons to take it all at once, and when I drove off I was always told to drive in a hurry. A drayman generally takes his time, whether the load is light or heavy, because if a case tumbles off they make the drayman pay for it.

Q. Were the doors closed unusually quick when you were about to go off?—A. Yes, sir.

By Mr. NEW:

Q. Did you do any draying at any time at the front of the building?—A. No, sir; only about three years before that I hauled 4,000 bundles of cotton-ties and about 2,000 boxes of tin; but that was for different parties.

Q. All the draying you did for the parties of whom you have spoken was done at the rear of the building?—A. Yes, sir.

Q. Have you observed the manner of loading and unloading by other draymen during the period to which you have just referred, at the front of the building?

The WITNESS. Do you mean have I taken notice of any other draymen?

Mr. NEW. Have you observed the manner of loading and unloading and driving away from the front?

A. They generally take their time at the front; the door is always open.

Q. Have you observed how that was done at the front of the building? You can answer yes or no.—A. Yes, sir.

Q. How has it been there?—A. It has been done entirely different.

Q. In what consists the difference?—A. When a load is taken to the front of the bonded warehouse, two chances to one it would not be taken in for an hour or so. I have seen goods lay on the bank for half a day.

Q. State fully, if you have not already done so, what you observed about the loading and unloading, approaching and leaving the front of the building by draymen.—

A. That is all I can tell you. I have seen drays back up there, and the goods would be left there for two or three hours at a time.

Q. Have you heard any orders given at the front of the building by any person that the draymen should drive hurriedly?—A. No, sir.

Q. Do you know whether at the front of the building two drays were required to go at one time for the purpose of taking away a given lot of goods?—A. No, sir.

Q. Whether that was a rule?—A. No, sir; it is not a rule.

Q. As to the front of the building?—A. No, sir; it is not.

By Mr. CONGER:

Q. What hour of the day did you go there?—A. Generally in the afternoon.

Q. About what hour?—A. It was generally between two and three o'clock.

Q. Did you ever go in the night?—A. No, sir; I don't hitch up a mule, even for myself, of nights or Sundays.

Q. So there was nothing unusual about the hour?—A. No, sir; it was broad daylight, on a week-day, just as it is now.

Q. Do you remember whether the large man you speak of was always there?—A. He was always there when I came there.

Q. He is the man you always found in charge there?—A. Yes, sir.

Q. Was he a German?—A. I think not; in fact I don't know anything about his nationality.

Q. Did he talk with you?—A. Yes, sir; I know he can talk as good English as I can.

Q. You would know him if you were to see him?—A. Yes, sir.

Q. When you go to find out the clerk, will you find out who this man is, so that we can get his name?—A. Yes, sir.

By the CHAIRMAN:

Q. Did you receive or deliver any goods in front of that warehouse without an order?—A. No, sir.

Q. But in this case you delivered these goods in the rear of the warehouse, and without an order?—A. Without orders; yes, sir.

By Mr. VANCE:

Q. Did I understand you to say that you expressed a desire to take the goods to the warehouse by a street that was frequented, and that your request was refused?—A. No, sir; you did not understand me at all. I was instructed to deliver in the rear. I made no request to drive in the front.

Q. I am not talking about the front of the warehouse. I ask you if you made a request, or expressed a determination, to take these goods by a frequented street—a wide street—and that your request was refused?—A. No, sir.

Q. What did I understand you to say about the route you should take to get to this warehouse?—A. I had no instructions at all about the route. My instructions were to deliver in the rear of the warehouse. I could take whatever street I wanted to. But properly, before that, whenever I went there, it was always on Fulton street, which is supposed to be the front. But my instructions were strictly to deliver in the rear, and before I would arrive at the corner of New Levee and Julia streets, the door would be thrown open, and I would know where to drive to, whereas generally I would have to go around to the front to find out where to deliver the goods. There are fifteen or twenty doors, and if I drove to the wrong door they would make me back out and go to another door.

By Mr. REILLY:

Q. You said something about wanting to load up, and they told you you should go to Magazine street, or some other street?—A. That was when I was loading. Gravier is a very narrow street, and if you put two wagons inside the street a third wagon cannot pass. I have large wagons, so I wanted to drive the wagon around on Magazine street, so as to get it out of my own way, to let the other wagon come in; but I was instructed to drive out in the Bank place, where a wagon seldom or never goes through.

By Mr. VANCE :

Q. Did that order occasion any suspicion in your mind ?—A. Of course ; because Magazine is a street that everybody goes through.

Q. This unusual order occasioned suspicion in your mind that the transaction was not legitimate ?—A. That is what made me suspect that it was wrong.

NEW ORLEANS, June 2, 1876.

JAMES R. BECKWITH sworn and examined.

By Mr. NEW :

Question. When were you appointed district prosecuting attorney ?—Answer. I cannot recollect the exact date—some time in 1870.

Q. Where did you reside at the time of your appointment ?—A. In the city of New Orleans.

Q. Whom did you succeed ?—A. I succeeded Mr. Long, who committed suicide. He cut his throat.

Q. Since your appointment, what assistant attorneys have you had, if any ? Name them in their order.—A. There is Mr. Gurley, who has been in the office for a long time.

Q. Is he still in office ?—A. He is still in office. For a short time, in some special cases, Mr. Hutchinson was appointed, upon the joint recommendation of Mr. Conkling, the supervisor of internal revenue, and myself, to attend to a particular class of cases.

Q. How long is it since Gurley was appointed ?—A. I can hardly answer that. He has been in office since, I think, the first appointment of E. H. Morgan, who preceded Long, my immediate predecessor. He has been in office a long time.

Q. He was there before you went in ?—A. Yes, sir.

Q. Has he been in office since you were appointed ?—A. He has.

Q. What has his salary been ?—A. The salary is paid in Washington ; my impression is that it was \$2,500 up to, perhaps, within a year. Some time, perhaps, within a year—I am not exactly certain about the date—it was increased.

Q. To how much ?—A. I am not positively certain about that. I only see his vouchers every quarter. I think it is \$3,000, but I am not certain. The accounts are audited in Washington.

Q. While Mr. Hutchinson was in the office, was he there upon a salary ?—A. He was appointed special assistant attorney to assist in the conduct of a certain class of internal-revenue cases, and my recollection is that it was at a compensation of \$2,500 a year.

Q. For what length of time was he associated with the office, as nearly as you can remember ?—A. My recollection is that he was appointed some time in 1872—it was certainly prior to May, 1872—and he continued in office until, I think, some time in 1874. I am not positive about it. The office-records will show.

Q. What has been the character of the work to which Gurley has been assigned ?—A. That work has been the general work in the office. I can hardly describe it to any one who is not familiar with it. It consists in the charge of the correspondence, in the primary investigation of matters referred to the office to investigate ; pleading in matters where his familiarity with the character of pleading would make it safe to permit him to plead ; and the general business of the office, which is large.

Q. You have found plenty of work for him to do ?—A. Yes, sir ; and there would be work for two more.

Q. Has he taken part in the trial of causes ?—A. Very rarely.

Q. How has it been with Hutchinson in that respect ?—A. I saw very little of Mr. Hutchinson while he was in connection with the office ; Mr. Hutchinson was appointed upon the joint recommendation of Mr. Conkling, who was then supervisor of internal revenue, and myself. The occasion of his appointment was that Mr. Conkling, in his investigations, believed that there were some considerable frauds in the withdrawal of liquors from the bonded warehouse that had occurred under the old bonded-warehouse system, and at that time my office was overloaded, and as it was desired that suits should be instituted, I reported to the Department that the labor upon my office during the term, as our terms occupied six months of the year, was such that I could not possibly give the cases that amount of investigation and care necessary to safely institute them and conduct them, and if they were instituted I must have assistance.

Q. Were any suits instituted because of his employment, and, so to speak, by him ?—A. There were some suits.

Q. What kind of suits—the kind of suits to which you have referred ?—A. Certainly ; he was specially assigned to that particular class of cases.

Q. Were any of those cases tried ?—A. They have not been ; he was a very long

time in getting them at issue ; he seemed to be encountering exception and demurrer, and I am not sure they are all at issue now. Some of them are, but they were not at issue until very lately, and until the interregnum in the court.

Q. About how long has it been since those suits were instituted ? Were complaints or petitions filed in all those cases about the same time ?—A. I fancy they were, some time in May, if I recollect right. I am only speaking from memory.

Q. May of 1875 ?—A. May of 1872, I think. I presume, from the correspondence that I have been favored with, that if there are charges against me, they may have come from him.

Q. State to the committee what you remember about the case of Postmaster Lowell ; do you remember the fact, if it was a fact, that Lowell was a defaulting postmaster ?—A. He was ; at least he was indicted as such.

Q. Did you look into the facts of the case yourself ?—A. To this extent : A man by the name of Hayes, if I recollect correctly, seized the post-office.

Q. Who was Hayes ?—A. I can hardly tell you ; he had some sort of official relation with the Post-Office Department ; I do not remember now what particular appointment he held ; it was some appointment, which he claimed gave him the authority to enter post-offices and take possession of them, when anything was wrong.

Q. Summarily ?—A. Summarily ; at least I think he claimed so. He took possession of the post-office ; my impression is that I was out of town at the time, and when I came back I found the post-office in the possession of Hayes. The man seemed incompetent ; I judge that from his action ; and he permitted Mr. Lowell, or some one for Mr. Lowell, to carry out all the books and papers out of the vaults after the seizure. At least, Hayes claimed this, so that, from the matters found in the post-office, there could be but little data obtained as to the condition of the general post-office accounts, including box-rents and receipts from the sale of stamps, but he obtained possession of the money-order account-books and some papers in connection with the money-order business.

Q. What is your recollection of the amount of the default or embezzlement ?—A. My recollection of that is not very distinct. My impression is that the amount averred in the indictment, which related, if I recollect right, solely to the money-order account, was \$16,000, or thereabouts. That simply included the money-order fund.

Q. To refresh your recollection, was not it believed and claimed at the time that the total default was about \$60,000 ?—A. I could not state positively ; there was an account stated, I believe, afterward, in the Treasury department of the Post-Office.

Q. Was there a civil action upon the bond instituted ?—A. There was, I think ; I am not certain whether it went to judgment, but I think it did.

Q. Do you remember what amount was claimed—that is, what amount, according to the theory of the facts alleged in the complaint, was due the Government ?—A. That I would hardly like to state, when positive information can be obtained by reference to the record ; there is such a multitude of matters passing through my hands, I do not think I could state within \$10,000.

Q. Do you remember what was the result of the civil suit and what became of it ?—A. I am not positive whether it reached judgment or not, but it was ultimately compromised.

Q. For what sum ?—A. I do not remember that either, as that was done in Washington ; I did know at one time, and could tell by reference to the correspondence.

Q. Was not the sum, upon recollection, \$7,000 ?—A. I could not state ; I can state by reference to the correspondence.

Q. Do you remember who any of the bondsmen were ?—A. One of them was Mr. Madden, and one of them was George F. Brott.

Q. Had you anything to do with the compromise ?—A. I have nothing to do with any compromise ; I have no power to compromise any claim.

Q. But were you conferred with or advised with by the Department as to the compromise ?—A. My recollection is that the matter was referred to me as those matters usually are to report upon the question whether the amount that was offered was in amount equal to what would probably be recovered upon *fi. fa.* ; I would state the whole record of that transaction in every respect is in Washington.

Q. There are some facts I wish to inquire about that could not be of record ; do you remember whether Mr. McGrew of the Post-Office Department called upon you and conferred with you about what had better be done ?—A. Some gentleman from the Post-Office Department, from Washington, whose name I do not now recollect, did.

Q. Do you recollect what examination was made by you and him, or by you, as to solvency of the sureties ?—A. In determining that question, I have of course no more power than you have in determining any commercial question. I made an examination.

Q. As a matter of fact, what was done ?—A. As a matter of fact, I made an examination into the financial condition of every one of the sureties within my reach, and I remember I came to the conclusion that the amount offered was much more than could be collected on *fi. fa.* I am satisfied it was.

Q. Was there an indictment against him?—A. There was an indictment against him, as I stated, and my recollection of the indictment is that it was an indictment for the embezzlement of the money-order fund.

Q. What became of that case?—A. That indictment is still pending. In regard to the indictment, as I stated before, the compromise and adjustment of this civil action was effected in Washington. The only knowledge I got of such a compromise is in a direction usually from the Solicitor of the Treasury as to what disposition to make of the civil case. The direction I obtained disposed of the civil action. It was insisted upon by M.^r Lowell or some one who represented him—perhaps both, for I know there have been several persons to me about it—that the compromise of the civil action involved the discontinuance or *nolle prosequing* of the indictment. I did not so understand it, but it was insisted upon that that was the understanding; and in response I stated that my directions were in writing and I could not and would not go beyond them.

Q. You had no directions beyond the civil action?—A. Not beyond the civil action. I wrote to the Solicitor of the Treasury that such was the claim on the part of Mr. Lowell, and inquired if that was the understanding, as that did not appear from the papers.

Q. About how long has it been since the indictment was found?—A. The indictment was found a long time after the embezzlement. I do not remember when. The record will show. There is an immense mass of record-matter that I cannot of course keep track of as to dates.

Q. Is there any other reason than such as is implied by what you have already stated, why the criminal case has been continued from time to time?—A. There has been a reason, and a very potent one, why all the business, civil and criminal, has been continued. There has been an interregnum of the courts. All that has deterred me from putting it on trial was that it was insisted on so strongly on the one hand that it had been adjusted, and I could not consider it so to the extent of *nolle prosequing* it, without its being expressly stated.

Q. Have you any knowledge of the default of Postmaster Taliafero?—A. That was before my time.

Q. Was there any action pending against him when you were appointed?—A. I think there was. I think that culminated in judgment. I think I got judgment upon it.

Q. And for what amount, if you remember?—A. I will state that this is the locality of defaulting officers, and there are so many of them—postmasters and one thing and other—that it is utterly impossible for me to state the facts. That information is easily obtained. There is a certified record.

Q. Do you remember whether any part of the judgment against him has been collected—not how much, but simply the result?—A. There were several bonds. He had a bond to cover his responsibility in the sale of internal-revenue stamps, and his post-office bond, and, I believe, a disbursing bond. Upon one of the bonds his father, Judge Taliafero, of the supreme court, was surety. He made a proposition to compromise his liability alone on the bond, which was accepted in Washington, and he paid the amount agreed upon, but the judgment is in force as against the balance of the sureties.

Q. Was there an indictment against Taliafero?—A. There were several.

Q. Are any still pending against him?—A. No; I think not. I think they are all *nolle prossed*. He was an imbecile; from drinking liquor, or one reason or another, he became thoroughly irresponsible. The man used to come to my office and tried to talk, but exhibited all the indications of a wandering mind, and was in a condition, when I first saw him, where he was not morally responsible for anything.

Q. It was your judgment, therefore, that the cases ought to have been *nolle prossed*?—A. It would have been a crime to have put such a man on trial. He would not have comprehended. You might have put him on trial and he would not have understood what was going on.

Q. Can you tell us about the sugar cases of 1873, as I think they are called?—A. I know nothing of them. They were all disposed of before I went into office.

Q. Were there any uncollected judgments or forfeitures in those cases at the time that you came into office that have been closed up since?—A. Possibly. There were some matters that were in process of being collected and closed up when I went into office. I believe there were some in regard to some of the wine cases, and there may have been some in regard to this sugar seizure, undetermined; I do not remember now.

Q. State to us as briefly as you can the origin and nature of the Grant Parish cases—how they originated.—A. It originated in a massacre at Colfax on Easter Sunday of 1872, I think.

Q. And the parties were prosecuted by indictment?—A. Yes, sir.

Q. How many trials were there?—A. Two.

Q. How many parties or defendants were tried?—A. I do not remember. There were seven or eight; the record will show that.

Q. What was the result of the first trial?—A. A mistrial—a disagreement and a mistrial. Possibly there may have been some acquitted on that trial; I am not certain.

Q. Did the second trial immediately follow the other?—A. In a short time; I presume the next term. My recollection is that the first trial was at the November term, and the second trial at the April term of the same year.

Q. Upon the same indictment?—A. The same indictment.

Q. Were the parties, when tried finally, tried jointly?—A. They were tried jointly; the indictment was for conspiracy.

Q. How are your jurors selected here in the United States court?—A. The statute is now here the same as it is all over the United States—as nearly as possible in conformity with the State statute. The present statute, I think, when that jury was impaneled was not in force. I have nothing to do with drawing the jurors, and I do not not therefore keep track of it.

Q. Have you any jury-commissioners, as they are termed?—A. We have now.

Q. Had you then?—A. My impression is that the duty now done by the jury-commissioners was at that time done by two freeholders selected by the court.

Q. Do I understand you to say that you have no personal knowledge of the manner of doing it?—A. I have never anything to do with the jury; I know nothing about it.

Q. Something has been said about a secret docket or order or rule for a separate grand-jury docket, the rule or order having been made by Judge Durell in February, 1873. What is there about that?—A. I know nothing about it except the ordinary precaution taken in all courts that, prior to the arrest, where parties are not recognized to appear, the indictment, and the entries in connection with it, like the orders of *capias*, are not made public until an arrest. That is an ordinary precaution in all courts.

Q. Do you remember whether that rule had existed before the Grant Parish cases?—A. I do not remember. I think that it was. The record will show that. My impression about it is that it has existed ever since I was in office. In any other way it would be impossible to arrest anybody. The newspaper reporters are hungry for indictments and would publish it, and the accused would know that he was indicted before the marshal. As a precaution this is absolutely necessary, otherwise the finding of indictments would be a farce. It would be an advertisement to the party to run away.

Q. Do you know anything of the discharge of a grand jury in 1872 or 1873—I cannot give the date because it has not been furnished to me—where the jury was alleged to have been discharged on account of the fact, as it was said, that the grand jury were about to take steps to indict Durell and one Norton, on account of complicity with irregularities and fraudulent practices in bankrupt cases?—A. I know, sir, there was a grand jury discharged, and it was discharged for the reason assigned by the judge—a very good one—that they met in this room, (Parlor P,) appointed a United States district attorney, and proceeded to hold sessions independent of the court and outside of the court, and not under the direction of the court. It was a fortunate grand jury, in my opinion, in that they were not sent to jail.

Q. Do you know that that grand jury at the time of their discharge were about to find an indictment, or were taking steps to find an indictment, against Durell and against Norton, or against either of them, or both of them, upon any such charges as I have named?—A. I do not know anything about it. The grand jury, as an institution, can originate charges.

Q. If there were any such charges you do not know it?—A. I do not know it. I would state that in the ordinary routine matters each term, at least such matters as are returned by the commissioners for examination upon the ordinary statutes for the revenue, &c., the inquiries are conducted by my assistant, Mr. Gurley; I do not think I was ever before that grand jury at all, or ever laid anything before them myself. It seems to me that one of the grand jurors did tell me that they had made up their mind to impeach Durell, but that was out of court.

Q. Do you know whether Judge Durell had information of that fact before he discharged that grand jury?—A. I have heard so, but I do not remember from whom.

Q. Were your sources of information at the time that you received it such as to impress your mind then with the belief that that was the fact?—A. No, I think not; it was a period of great excitement here.

Q. What I mean is, such as to impress your mind with the belief that Judge Durell had so heard?—A. I do not recollect of anything that I have ever heard in that connection, except what one of the grand jurors told me.

Q. You have heard that Judge Durell had got such information in some way, but you do not remember from whom, when, or where?—A. I would not go to that extent.

Q. I thought you said you had heard such talk as that?—A. I have heard it since, not at that time. That was a time of great excitement and there was a good deal said about it, but since then, I believe, I have heard it, but from whom I do not know.

Q. Are you acquainted with one Claiborne, clerk of the United States district court?—A. I knew him while he was clerk, not only of the United States district court but of the circuit court also.

Q. Do you know whether he was a defaulter or not?—A. I believe he was; he was indicted as such.

Q. Was he indicted while you were prosecuting attorney?—A. He was indicted as soon as we ascertained there was any defaulting.

Q. Had he given a bond?—A. Two thousand dollars or \$1,000; \$1,000, I think.

Q. Have you any recollection as to what was said about the sum of his defalcation?—A. My only knowledge upon the subject is such knowledge as I got before the grand jury, and also, I believe, in the adjustment of the decree, distributing the money in the confiscation cases. The figures can be absolutely given by reference to the record. My recollection is that it was \$30,000, or somewhere along there.

Q. I have been told it was \$75,000.—A. I do not think it was as much as that. There is no need to conjecture about it; the figures will show.

Q. Was suit brought upon the bond?—A. Suit was brought upon the bond, but the bond was perfectly worthless. It is not worth the costs.

Q. Was he ever indicted?—A. I just stated he was under indictment.

Q. What has become of the indictment?—A. The indictment is still pending. Claiborne is a fugitive from justice. He went from here to France.

Q. Has he ever been arrested?—A. He could not be, because he left before we discovered the defalcation. I think when the defalcation was discovered he was probably *en route* from New York to Havre.

Q. Are you acquainted with J. H. Oglesby, who is said to be a jury commissioner?—A. There is a J. H. Oglesby here, president of one of the banks.

Q. Is there a J. H. Oglesby who is a jury commissioner in the United States courts?—A. I believe he is a jury commissioner; I so understand.

Q. What are the duties of a jury commissioner?—A. The duties of a jury commissioner are very well defined in the statutes of the State in the year 1874—the last act of the State upon the subject of jurors in the parish of Orleans. The jury system in the State is dual. It has one system for this parish and another system for the rural parishes, so that it is difficult to apply the act of Congress. The court, however, both judges concurring, Judge Bradley and Judge Woods, adopted a set of rules predicated upon the jury system provided by the State statute for the parish of Orleans. The jury commissioners are appointed each term under that act and under those rules, and their duty is to select a list of persons qualified and competent to act as jurors, from which the jurors are selected.

Q. The petit jurors?—A. The jury system in this State is peculiar also in that respect. A single venire issues for a number of jurors. The grand jury is selected from the venire at large by the judge.

Q. There is the same venire for grand and petit jurors?—A. The same venire; the jurors selected by the judge are impaneled as the grand jury, and the remaining jurors upon the venire constitute the petit jury.

Q. Is there an action pending against this man Oglesby for alleged fraudulent evasion of the whisky-tax?—A. One of the actions which Mr. Hutchinson was employed to institute is against Mr. Oglesby. The character of it I only know generally; it has something to do with alleged wrongful or fraudulent withdrawals of liquor.

Q. He is the principal defendant, is he not? It is not upon a bond where he is surety?—A. I cannot answer you that, because, as I stated, Mr. Hutchinson had exclusive charge of it. The pleadings are here; I have not had an opportunity to examine them. I know very little of the facts or the pleadings, except that Mr. Hutchinson had a very serious job in getting them at issue.

Q. Do you know whether that action was pending against him at the time of his selection as a jury commissioner?—A. I can hardly tell you when he was selected; there have been so many.

Q. You say a suit was instituted in 1872?—A. Probably in May, 1872.

Q. Was he appointed so far back as that?—A. He may have been before that time. He has been since certainly. The appointments, since the adoption of the new rules, are at each term.

Q. Do you know whether he is a jury commissioner now, or if he has been at any term since May, 1872?—A. I think he was at the last term, and is at the present term; I am not certain about it; I think so; the records will show.

Q. What do you remember about an indictment against one Clark for frauds against the revenue in sugar importations—I believe that was the character of the indictment?—A. There was pending at the time I came into office an indictment, and perhaps two or three, that had been found against a number of persons for conspiracy to defraud the Government, and Clark was one of the defendants.

Q. That was a civil action, was it?—A. I am now speaking of the indictments.

Q. What became of the case?—A. The case has been disposed of in all sorts of ways. Perry Fuller was one of the defendants. He died. There was also a man at Memphis.

Q. I am inquiring particularly about Clark.—A. One after another they were condoned, and gave their evidence in the civil cases until it came down to Clark and the

man who lives in Memphis, and whose name I can give you, though I do not remember it now. He could never be got here. He would be arrested on a warrant, released on *habeas corpus*, and arrested again, and when finally arrested, he gave bonds to appear the next term, and so delayed the matter till finally he got knowledge of some frauds in the custom-house in Memphis, and he was by the authorities at Washington condoned. As to Clark, the indictment was *nolle prossed*, he being almost the only one left on the list, by the direction of Banfield, when he was Solicitor of the Treasury. There was nothing left of the matter.

Q. Do you remember whether the *nolle pros.* in his case was made upon the suggestion that he was dead?—A. No, sir; that is folly—nonsense; it is an absurd story; it was a sheer creation; there was never any truth in it.

Q. Was there ever a civil action against any of those parties in that matter?—A. There were large forfeitures.

Q. Has anything ever been collected from Clark on account of the forfeitures?—A. His interest in the articles forfeited was, as I understood the matter. I know very little about it. There had been a scheme adopted for getting dutiable goods through, either without paying the duty or at an undervaluation. They were seized all over the country, and Clark suffered, if he was in it, to that extent. But I do not think any effort was made, or perhaps could be made, beyond the forfeiture of the goods. As to these indictments against these men, I do not think there are any of them good. They were not sufficient; they were demurrable.

Q. You mean, that is, the indictments against Clark and his co-conspirators?—A. Yes, they were very inartistically drawn and had the fault of having too much pleading in them.

Q. Too much of a bad thing?—A. Too much of a bad thing.

Q. At what time of the year is it that you make your report to the Attorney-General?—A. They are made semi-annually, 1st January and the 1st July. The reports have to be made at the end of each term to the Solicitor, and, I believe, also to the Commissioner of Internal Revenue.

Q. In view of the duties with which we are charged in this matter, we would be glad if you would furnish us, at your leisure, with a statement of the causes, criminal and civil, that were pending when you came into office, and those that have been instituted since.—A. It will be a matter that will involve a vast deal of labor; and when every detail and every particular in regard to every step taken in every action, from its institution up, is on file at Washington, and accessible there in one mass.

Q. I thought that you could furnish that to us with probably very much less trouble than we could obtain it for ourselves; and, if it is not asking too much, we shall be glad to have you do it.—A. I will tell you how public service is paid. Over five months I have been engaged in whisky prosecutions at \$5 per diem, and paying my office expenses and clerk-hire, the minimum of which is \$6. I have paid \$1 a day for the privilege of working as perhaps nobody but Congressmen do work—from 6 o'clock in the morning till 10 o'clock at night. It is now the close of the term, and I could not do that without increasing my clerical force at my own expense. I have carried the whole term at a loss.

Q. You will give us such assistance as you can, however?—A. Do not understand me as refusing to do it; but I have the report for the term to make to Washington right off, and the adjustment and review of all the accounts.

Q. You will be willing to co-operate with us?—A. Certainly.

Q. Have you any knowledge or information that you could communicate to the committee, where the communication would not be inconsistent with your duties to the State as district prosecuting attorney, as to any frauds that have been committed by or upon any of the Federal officials or officers here, that would aid us in our investigations? If so, we would be glad to have you state them.—A. There are matters now pending before the grand jury which I have no right to disclose, of course. The culmination of those is being delayed from the necessity of communicating with Washington to obtain attested copies of the records. If the committee remain here ten days, it may be that the inquiry would be through and these restrictions would not exist.

Q. You will assist us in that regard if you can?—A. Certainly; if I can, I will assist you in finding out anything wrong in my office. If it is there I want to know it. If you do not want that statement of the business of the office within two weeks, I can make it. If you want it immediately, however, it will embarrass us.

By Mr. CONGER:

Q. How long a statement is published in the Attorney-General's report of the business of your office?—A. I think it ought to be correct. I confess that it is a class of literature that I do not read much of. I do not remember to have read one of them, and I could not tell whether it is correct or not, but I presume it is.

Q. Do you make your report to the Attorney-General on some subjects and to the Solicitor of the Treasury upon others?—A. Yes, sir; and to the Commissioner of Internal Revenue upon others.

Q. Do you make any reports in relation to land?—A. The only matter in connection with land is an indictment for trespass upon public land and the suits which are instituted under an act which I always believed a very ill-advised one, which enables any one who can get an old grant half finished to take possession of land under it and compel the United States district attorney to wade through all the grants of the State for \$20. The Secretary of the Interior has nothing to do with it. They are required to go to the Supreme Court. The fact that such a suit is instituted is reported both to the Secretary of the Interior and the Department of Justice, and the case passes up on appeal—that is, if the decree in the district court is against the United States.

Q. Since you have been district attorney, state whether any more force has been employed or any more officers or assistants have been in your office than were necessary for the prosecution of the public business.—A. No, sir; there have not been enough. The force is too short. The class of litigation here in this district, including the land-cases, the wreck of that captured and abandoned property system, and the questions growing out of the war, make the labors in this district not only more complicated but more laborious than in any other district having the same amount of commercial importance, and it requires a more thorough knowledge of the law. I believe this is pretty much the only district where a knowledge of equity is necessary in order to administer the office.

Q. Does the same rule apply to this State as in other States, that the practice conforms to the State code, or State laws, as far as it may?—A. In common-law matters, but not in exchequer, and in equity or criminal law. The exchequer practice is one peculiar in its character, and it is the same all over the United States, or ought to be.

Q. But there are some matters of practice in which you follow the practice of the State?—A. In common law. The civil law has strictly no common law, but in all actions of the class known as actions at law in other States, under the recent practice-act, the assimilation is as near as can be.

Q. To your State law, that is?—A. To the State law.

Q. And here your State law is a code?—A. There is a codified practice, so called, at least. There is not much practice about it.

Q. I understand you to have said that from the time you entered upon the duties of this office up to the present time there has not been a greater number of assistants or aids paid for by the General Government in your office than the actual business of the office demanded?—A. I do say so. I say I could reasonably have asked more. If any of you gentlemen who are lawyers want to understand what thorough humiliation is, try an equity case or complicated land case, involving details running back for twenty years, for twenty dollars.

Q. What portion of your own personal time do you give to your office?—A. All of it from 6 o'clock in the morning till 10 o'clock at night.

Q. In the public business?—A. In the public business, to the exclusion of my private business. In fact, I have a large equity business, but I am constantly compelled to put it over and make excuses for not attending to it, because I attend to the public business first.

Q. Are there any matters in the practice that have come to your knowledge, or in the rules of the court, or its manner of conducting business, that you can suggest to the committee as needing a remedy by change of law?—A. That is a matter of opinion. I was bred at common law, and what might be satisfactory to one lawyer or one set of lawyers in the way of practice would not be to others. Most common-law lawyers like to have an issue. Those accustomed to the code do not like to have any.

Q. You spoke of one person who was not under indictment—Claiborne?—A. He fled the country before we knew of the defalcation.

Q. Had he a bond?—A. He had a bond of \$1,000 or \$2,000 with his deputy clerk, or a man who had been his deputy clerk on it, a man who was dependent upon a salary for his livelihood, and, not taking into account the exemptions of the law here, I do not believe the \$50 costs that it would require to put it in judgment can be recovered.

Q. How long had Claiborne been clerk?—A. I think Claiborne was clerk of the district court from its first organization after the war—1862 or 1863—during the war.

Q. Do you know by whom he was appointed?—A. Judge Durell.

Q. And continued in office up to the time he fled?—A. He did; he continued in the district court. Part of the time, during the period that there was no circuit or supreme court judge here—I have forgotten who was assigned here—Judge Durell held both courts, without any circuit judge or supreme court judge on circuit, and, until Judge Woods was appointed under the circuit-court act, Claiborne held both offices and was clerk of both courts.

By Mr. REILLY:

Q. Have you any knowledge of any prosecutions now pending or lately instituted against any parties now or lately connected with the custom-house, charging a conspiracy to defraud the Government or to defraud employes?—A. I have answered that question to this extent—and I do not think that I should be compelled to answer further—that matters are pending before the grand jury.

Q. If you do not feel at liberty to answer that question, of course I will respect your judgment.—A. I do not think that at present it will be either my duty or proper to do so. There are some unavoidable delays in the matter, and that is the reason why it has not culminated before. If it was not about and concerning matters pending before the grand jury, I would state it, but they are under an oath of secrecy.

By Mr. VANCE :

Q. Did I understand you to say that Mr. Oglesby was a jury-commissioner?—A. I think he was a jury-commissioner at the last term, and that he is during the present term.

Q. He is also under indictment?—A. No ; he is not ; not that I know of.

Q. There are proceedings pending against him?—A. As I stated before, in one of the suits which were under the charge of Mr. Hutchinson, he is a defendant.

Q. And as a jury-commissioner he would have a hand in selecting a jury to try him, if he should be brought to trial, under the rule as it now exists?—A. Certainly ; it would happen, if the case was being brought on for trial, or if the condition of the business was such that the case could be brought on for trial, we should make the objection very promptly that it was not proper that he should select the names from which the jury were to be drawn. I do not know but what he would do it perfectly fair, but it would have a bad look upon the face of it.

Q. You spoke, also, of the Taliafero suit—that it was compromised at Washington, so far as the father of the defendant was concerned. Are compromises made in Washington City, without consultation with you, as the chief law-officer of the Government here?—A. The usual course is this : A proposition is made, usually to the Solicitor of the Treasury or the Secretary of the Treasury, the proposition being usually in writing. I rarely see this myself, but the substance of it is returned to me. The matter is referred back to me, with a statement of the amount proposed to be given in compromise. Sometimes the request contained in the reference is that I report whether or not I think it desirable. Sometimes the reference is to ascertain whether the amount proposed to be given can be realized upon execution. In this case of Judge Taliafero's, if I recollect right, the whole matter was submitted to me to report upon the advisability of it, and I think it was a very proper compromise, and that the Government realized more than they ever could from that surety, because Judge Taliafero had but a small piece of real estate up in one of these interior parishes, and the amount that he gave, according to my investigation at the time, was fully equal in value to the property—certainly, it was as much as it would sell for at public auction. The other sureties on the bond are men who have, or claim to have, large claims against the Government. I think Mason Wells is one of them.

By Mr. NEW :

Q. Is it not probable that the compromise with Judge Taliafero, as a matter of law, operated to discharge the other sureties?—A. That matter was seriously considered, and I reported at first that while I thought the offer was more than could be realized from him, I thought it hazardous to take it by reason of the solidarity of the claim, and the possibility that the compromise would release the others. That matter was considered in Washington, and they decided against my view of the matter, and I believe upon a subsequent examination I thought they were correct, and that, after judgment, a judgment can be satisfied as to one without impairing the right as to the other.

By Mr. VANCE :

Q. Is it not the custom with the authorities at Washington to submit all questions, or at least those of moment, affecting forfeitures of bonds, where propositions for compromise are made, to the chief legal adviser of the Government in the respective districts, and does not the Government act in a great measure upon the advice given by the law-officer?—A. There seems to be a misapprehension of my relation to those branches and departments of the Government where bonds are taken. A bond comes into my office only from the department where it was taken, for instance, the customs or internal revenue. I have nothing whatever to do with the bond until it is returned over. They come to my office usually with instructions to sue on them. In that instance, probably inside of twelve hours, and certainly inside of twenty-four, the suit is instituted and the department notified at Washington. Then again, another class of bonds come into my office with directions to inquire whether there is sufficient solvency in principal and sureties, or whether the parties can be found in the district, and whether it is a proper suit to be instituted. My communication is with the Solicitor or with the department from which that particular branch of inquiry comes. If it culminates in judgment, or a proposition, *pendente lite*, is made to compromise that suit, it is generally referred back to me for my opinion as to the desirability or advisability of the action. Sometimes they act upon it and sometimes they do not.

Q. Are compromises made by the authorities at Washington without consultation with you or others occupying your position?—A. That I could not answer, because I do not know what they do at Washington.

Q. You know as far as your district is concerned?—A. I do not remember of any instance, where a proposed compromise was made, that it was not referred back to me. Sometimes my conclusions were adopted and sometimes not.

Q. Do you know of any instance since you have occupied the position of district attorney here, where your advice has not been followed?—A. O. yes, sir, a good many times. One particular case was that of Slenker, who offered \$10,000, which never can be obtained from him if he lives fifty years.

Q. Did I understand you to say that you gave your assent to the Lowell compromise?—A. My recollection of that compromise is, and I know that I was very reluctant to act in the matter at all, that the question came to me with this limited reference, as to whether the amount proposed to be paid was an amount equal to the amount that could be recovered from the sureties on execution. When this gentleman, whose name I now disremember, came from Washington—

Q. Mr. McGrew?—A. Yes, sir; when he came to my office, and informed me, or perhaps exhibited a letter informing me, of his mission, I think I gave him all the information I had about the matter, and informed him of where inquiries could be made, and told him to make an examination of the matter. I did not care to have them rely upon my own judgment. It was a matter of indifference to me whether the matter was compromised or not. He came to his conclusion entirely independent of mine. I do not know that I ever knew what it was. I only know that some time after he left for Washington the direction came back to me to either enter satisfaction of judgment or discontinue the action. I do not remember exactly what the directions were.

Q. Do you remember where you advised him to search or make inquiries as to the solvency of the bondsmen, as you say you gave him some advice upon the subject?—A. Of course, for real estate, the matter is one of record; as I stated before the sources of information as to the solvency of a man have to be obtained as they would have to be in a commercial matter. You have no authority to examine books or papers any more than the public record. I gave him also the information of all the property I knew any of them to possess. My impression is that Madden had more property than any of them, but his house was mortgaged and his stock of goods in his store was largely covered by vendors' liens; and it is my impression that had that *fieri facias* been executed in that case they would not have got \$50. It would have been eaten up in expenses and prior liens. I may be mistaken about it, but that was my opinion then and is now.

By Mr. CONGER:

Q. The sugar-cases, I understand you, were mostly decided before you came in office?—A. They were all decided. It may have been possible there was some fund in court to be distributed.

Q. State whether, since you came into office, or in matters that came to your knowledge, there was not enough recovered to pay all duties upon those alleged importations when it was distributed to pay all costs and some \$120,000 to the Government besides?—A. There was a very large amount of money derived from the sale of those goods. I cannot, of course, give you the figures, but my impression is that you have stated the amount correctly; I could not say; that is a matter of record. I know the understanding was that. Of course, I had nothing to do with those cases. I did not even get the two per cent., and had not much interest in knowing what it was. It was a large amount, and a very considerable amount had also been obtained from the wine—what were known as the wine-suits.

Q. In the order of allotting the money, first the duty would have been paid or costs?—A. The court has nothing to do with that after the taxable costs in court are paid. The money is then usually, as the statute stood then, and as it is construed now, paid over to the collector of customs, and the distribution is made by the Secretary of the Treasury. It is made in the Treasury.

Q. State whether your recollection of what part of it came over to you is that sufficient was collected from the sugar-cases to pay all costs and to pay all duties, and, in addition, a large sum, amounting to \$120,000, to the Government?—A. O, certainly there was. I think these seizures were very large seizures, and yielded a large amount of money—an amount very largely in excess of the customs. How the moiety may have left it I do not know.

Q. The wine-cases were of less amount?—A. That was a less amount. There was some adjustment made about the wine-cases by which the pending cases were settled, but it resulted in a payment into the Treasury of a large amount of money. I did not get the 2 per cent. on that, so that I was not very particular about the amount.

By Mr. NEW:

Q. I suppose you never investigated to see, and it did not devolve upon you to see, whether such diligence was used as ought to have been used, and such sum secured as should be secured?—A. I fancy when moiety cases are pending there is not any dilatoriness. At that time the moiety system existed, and it insured energy, I think, in the prosecution of the matter.

By Mr. CONGER :

Q. Do you recollect now under whose administration the sugar-frauds occurred?—A. They were charged to have taken place under Perry Fuller's administration—either he or his deputy, Gray. I do not think Fuller was here all the time.

Q. Do you remember under what administration he was appointed?—A. It must have been Johnson's administration. I am stating this matter relative to the sugar-cases largely from hearsay.

By the CHAIRMAN :

Q. You say that it was not upon your recommendation, in the first instance, that a compromise was made by Mr. Lowell?—A. No; I do not think I said so.

Q. I understood you to say that you did not in the first instance recommend that the Government accept the compromise of Mr. Lowell for \$7,000?—A. O, I stated that I was averse to it; I did not think it ought to have been done. The correspondence upon the matter will show precisely the whole matter.

Q. I ask about it, because Mr. McGrew stated, I believe, as a fact, that the compromise was made upon your recommendation?—A. O, well, he is mistaken about it. I felt very much relieved when Mr. McGrew came here. It was an unpleasant matter to me, and I stated it to him when I wanted him to make a full and complete examination for himself. The course of sending a man out was rather extraordinary, but instead of its being distasteful to me, I was glad they did it, because the defalcation, I believed, was a large one, and the bond I thought, so far as solvency was concerned, was inadequate to the loss. The correspondence will show precisely.

Q. How many persons were indicted in the Grant Parish trouble?—A. The indictments will show it; I do not remember; there was a large number.

Q. Were there as many as seventy-five or eighty?—A. I think so.

Q. How many were tried?—A. Eight or nine; I do not remember.

Q. How many were convicted?—A. Three.

Q. How long were they under indictment and on trial?—A. That again is a matter of record; it is extremely difficult for me to state.

Q. About how long?—A. The indictment was found at, I think, the April term, 1873, perhaps; it was the April term immediately succeeding the massacre up there. I think the first trial was in the November term succeeding, and the second trial was in the April term succeeding that, so that probably there was not more than three or four weeks' difference in the trial. The trials were quite long, perhaps in the neighborhood of a month each one.

Q. How long was it from the time they were indicted until there was final judgment?—A. There has not been any final judgment back; no mandate has come back.

Q. I mean judgment in the circuit court in which they were tried—a verdict?—A. That again is a matter that can be determined precisely from the record.

Q. Have you any recollection of about the time?—A. I can tell you exactly, if you will give me time.

Q. Do you know what the costs were of the whole proceedings?—A. I have no idea.

Q. How many whisky cases have you tried on the indictments?—A. There have been only two indictments actually tried. Upon the first indictment, the first trial was a mistrial. The second resulted in a verdict. There have been three trials on two indictments.

Q. Have you nolle-prossed any of those cases?—A. I nolle-prossed one defendant in the last case tried.

Q. What was his name?—A. C. W. Wills.

Q. Why was that case nolle-prossed?—A. Because I did not want him acquitted. The former case he had been acquitted in. In the second place, I should say, it was because of the character of the evidence. The distiller, O'Brien, was not on trial, and therefore it did not become necessary to enter largely into the operations in the distillery. The class of testimony at our hands relative to Mr. Wills was no stronger than it had been in the former case, in which he had been acquitted, and the result of a consultation between Mr. New and myself was that it was better to nolle-pros the indictment as to Wills rather than let it pass to a verdict of "not guilty," and that was done, not in the interest of Mr. Wills, but in the interest of justice.

Q. Have you applied the test-oath to jurors?—A. Yes; I had to, when the men indicted plead to the indictments, because of the grand jurors being organized with men who had been engaged in the rebellion. I did not do it myself. I purposely avoided it. The challenge came from the defendants, in the way of a plea to the indictment.

Q. Was that plea overruled?—A. No, sir. The history of those pleas is rather peculiar. The court announced that the plea was sufficient, but the pleas that came in were badly drawn. They were double—some of them quintuple—and one on special demurrer. I do not think the indictment was quashed, but there was a very vigorous effort at it, and if it had been accompanied with good pleading, it would have accomplished its purpose.

Q. But it did not?—A. It did not, because the pleas were declared bad in form on special demurrer. There were some without any proper commencement and some without any proper conclusion. Some were double; some were quintuple; and some were of a kind and character that I never saw before and could not describe. But the court, on special demurrer, declared the pleas as pleaded bad. It was not the fault of the law that the indictments were not quashed, but it was the defective pleading, and out of abundant caution I returned the indictments again by a jury to which the test had been applied.

By Mr. REILLY:

Q. Those matters you speak about as unable to speak about, would you have any objection to give them to the committee in executive session?—A. I think there would be no impropriety in it. I have personally no objection, if I could be guaranteed that it would not be made public. It all turns upon the obligation, which is as binding upon me as upon the grand jury, not to disclose matters pending before a grand jury.

NEW ORLEANS, June 5, 1876.

WILLIAM L. CATLIN sworn and examined.

By Mr. STEVENSON:

Question. Where do you live?—Answer. I live in the city of New Orleans.

Q. How long have you lived here?—A. Since the summer of 1868.

Q. What has been your business here?—A. Distilling is about the only thing since I have been in the city.

Q. State if you have any acquaintance with Mr. Casey, the collector of this port?—A. I am acquainted with Colonel Casey—yes, sir.

Q. State anything that ever occurred between you and Mr. Casey in regard to his taking an interest in your distillery?—A. He sent for me to come to his office. I went there, and he made the proposition to go into the distillery with me. His offer was, if I would give him one-third interest in my distillery, he would protect me. The offer I declined.

Q. State when that conversation took place?—A. I sold the distillery in 1871. It was seized and went through a suit. It was about a year before I got to trial. The last of March or the first of April I gained my case, and I sold the distillery, I think, in May, 1871. The conversation was some time the previous winter.

By Mr. REILLY:

Q. The winter previous to May, 1871?—A. Yes, sir; some time betwixt the fall of 1870 and the spring of 1871; I do not recollect just the time, or even the month.

By Mr. STEVENSON:

Q. Where did he send for you?—A. I saw him in a room in the custom-house, that I know as Mr. Herwig's private office in the custom-house.

Q. Mr. Casey is the collector of this port?—A. Yes, sir.

Q. State all the conversation between you and him in regard to partnership.—A. It has been some time since it occurred and I do not know as I can state it wholly, but I will do the best I can with my memory. His proposition was to me this: The first question, I think, was, whether it was a good time to start at my distillery, and I told him it was about an even thing. He said he would like to have me start it off and he take an interest with me, and he proposed that if I would give him a one-third interest he would protect me. My reply was he was too big a man for me for a partner; that if I got in trouble he would leave me in the lurch. He said, "I understood your difficulty was that the officers were all the time annoying you, so that it made it unpleasant, and I could stop that." I said "Colonel, if you want to take a one-third interest on my distillery, without an interest in the distillery-buildings, if you will put in \$10,000, we will go in partnership." He said, "I have not got any money." I said then, "Then I don't want no partner." "Well," he says, "I can assist you in a way enough to offset the money." My reply was to him, I did not want him without his putting up \$10,000; that then, if I got into trouble, I would have his money to protect myself. I believe that closed the conversation.

Q. What did he say, if anything, about what your previous troubles had been with the officers?—A. He made the remark that he understood that they were annoying me all the time, which they had been, notifying me almost every day to cease work. It was impossible for a man distilling to do anything with his capital unless the officers controlled his capital and himself.

By Mr. NEW:

Q. You say "controlled his capital and himself;" do you mean by "control" to pro-

fect; is that your idea or not?—A. I say that it was impossible for a man to run a distillery without doing as the officers wanted him to do; that is, either do it or give up your capital and break up your business in a short time. I would like to explain right here that my distillery was the last of Steadman's time. Colonel Stockdale came into office and closed me up, and that led to the conversation with Colonel Casey, and his speaking about the trouble in running the distillery.

By Mr. REILLY:

Q. Your distillery was closed under the administration of Colonel Stockdale?—A. Yes, sir.

Q. He was the collector of internal revenue?—A. Yes, sir; and the time this conversation was I had the distillery back into my own possession.

Q. You had got out of your troubles?—A. Yes, sir.

Q. You had had a lawsuit about it?—A. Yes, sir; and got a verdict for the defendant, with costs. I have a copy of the papers here, [showing them.]

By Mr. STEVENSON:

Q. How did Colonel Casey in conversation come to tell you he could be of benefit to you without paying \$10,000?—A. All he gave me to understand was that he would stop these officers from annoying me.

Q. He would use his official influence to protect you?—A. Yes, sir; he gave me to understand that he would give me the influence of his office and of his position—that he would protect me as collector of the port.

Q. If you know of anything in regard to fraudulent practices or transactions of any officials in this city, or if you know of any unfair means being used, or any instances of bribery or attempted bribery to procure public employment, state them.—A. I do not know that I do just under that head.

By Mr. NEW:

Q. Do you know of misconduct on the part of any Federal official other than what you have already stated that you can tell the committee about?—A. No, I do not remember any now.

By the CHAIRMAN:

Q. Is this the only suit ever instituted against you by the United States?—A. Yes, sir.

Q. None has been instituted subsequent to this?—A. The distillery was known before I took it in the name of Nimrod Johnson. After that suit it seems they could not find owners to it, and there is a suit depending that I answer as enumerated Johnson and others. That has been pending ever since that time, or about that time. I did not learn of it until this winter.

Q. Are you in the Government employ?—A. No, sir.

Q. Have you been in the Government employ?—A. No, sir.

Q. Have you had any difficulty of any character with Mr. Casey?—A. No, sir.

Q. You said your distillery had been closed before you saw Mr. Casey?—A. It was closed at the time. It had been closed in 1869 by the Government. It was about a year after that before I got a trial. After I got my distillery released back by Government my conversation occurred with Mr. Casey.

Q. Are these [pointing to the papers] the proceedings in which the distillery was closed?—A. Yes, sir.

Q. Who instituted these proceedings on behalf of the Government?—A. Colonel Stockdale.

Q. Then, as I understand you, the distillery was released and you were in quiet possession of it at the time that the alleged proposition was made to you by the collector of the port?—A. Yes, sir.

Q. After that, did you continue the distillery?—A. No, sir; I sold it in May, 1871—my interest in it.

By Mr. CONGER:

Q. Your distillery, when you talked with Colonel Casey, had not been running for how long?—A. It was somewhere toward two years. I only run the distillery thirty-four days before it was seized.

Q. And it had been stopped something about two years before your talk with Mr. Casey?—A. Somewhere from eighteen months to two years; I do not recollect just the time.

Q. And at this time you were talking about commencing distilling again?—A. I was calculating to run it, if it was possible for a man to run a distillery here.

Q. You were talking about it?—A. Yes, sir.

Q. Did you talk with Mr. Casey about commencing again?—A. Only this conversation, where he sent for me; that was the only conversation I ever had with him.

Q. Who was present at this conversation?—A. No one was present. A man by the name of Capt. Sam Houston came to my house and told me Colonel Casey wanted to

see me about going in the distillery with me. Capt. Sam Houston went with me to the custom-house, and sat in the ante-room till I got through my conversation.

Q. But no one was present at the conversation?—A. No, sir.

Q. Was there anything private about it?—A. I took it to be private.

Q. Were any imjunctions of secrecy laid upon you about the conversation?—A. No, sir. There was nothing singular in broaching to a man to run a distillery in those times. Every man was anxious to get into it one way or other.

Q. Was Colonel Casey at that time collector of customs?—A. I think he was; he had his office there.

Q. Has the collector of customs anything to do with the collection of internal revenue?—A. No, I think not.

Q. They are distinct offices?—A. Yes, sir.

Q. One has nothing to do with the other official?—A. Nothing to do with it, as I understand it; still, I may be mistaken.

Q. Did you have more than one conversation with Colonel Casey?—A. No, sir; not in regard to the distillery.

Q. Did you think there was any impropriety on that occasion in his offering to go in with you in distilling?—A. In passing my opinion, I might be mistaken; I would rather not answer.

Q. How did it strike you—as anything corrupt?—A. His language and the words that he used were that he would get those officers, attending to the business, to let me alone and to let me go along.

Q. You complained that they had improperly complained of you?—A. All the time, constantly, as I take it, for black-mail.

Q. They were illegally interfering with you?—A. Yes, sir.

Q. So that stopping an illegal interference would not be doing anything wrong?—A. I did not take it to be such.

Q. Did he offer to do anything to stop them from performing their legal duty in regard to your distillery?—A. No, sir.

Q. He proposed simply to stop the illegal interference that you had complained of?—A. Yes, sir; that was his words.

Q. You think it would have been right to stop that illegal interference?—A. That was all the trouble. I found out about the expense of distilling. I stopped one night; I had notice to stop. I paid a large amount of money to telegraph to Senator John S. Harris, the United States Senator, and in the morning I got a telegraphic reply that there was no trouble at Washington about my distillery.

Q. You never found any fault with the officers for performing their proper, legal duty about your distillery?—A. No, sir.

Q. You had no offer from Mr. Casey to stop officers from performing their legal, proper duty, but only their illegal interference?—A. That was his remark—his words.

Q. He would stop their black-mailing you?—A. He did not use those words; I gave his words, as nigh as I could recollect them.

By Mr. STEVENSON:

Q. What he wanted was one-third of the profits of your distillery for requiring the officers to do their duty, was that it?—A. His remarks were that he would have the officers attend to their business; yes, I should think so from the words he used; he said that the officers should let me alone and not annoy me; I believe those were the words.

By Mr. REILLY:

Q. Was there much choice between suffering the annoyance of those officers illegally interfering with your business and giving away one-third of your property to a high official of the Government to protect you against them—did you consider there was much choice between those propositions?—A. It was my experience before that, that men engaged in distilling gave away most of their capital; the officers got most of the capital.

Q. What officers?—A. Steadman & Co.

By Mr. STEVENSON:

Q. You say that it has been your experience that Steadman & Co. and other officers had gotten the larger part of the profits?—A. They got the capital—not only the profits, but the capital; most of the men at it failed.

Q. Give us what information you have on the subject.—A. The distillery that I purchased, as I learned, gave \$1,140 Saturday night for the privilege of running the next week. In fact, I went over to the parties that owned the distillery to see a week of their work. They gave me a statement of all expenses, outgoes, and everything pertaining to the distillery. On Saturday, I gave them a trial-balance of the week's work, which showed that \$600 of the capital had been given away by giving that \$1,140 on Saturday night, and paying the taxes on the quantity of whisky made that week.

Q. He gave \$1,140 simply for the privilege of running the next week?—A. Yes, sir.

Q. Who was the officer that got the \$1,140?—A. That I could not say. I did not get names, as my recollection now is. There was a little slip of paper that showed how it was divided up, but just how, or who the names of the officers were I could not state.

Q. Do you know to what extent that system of charging prevailed?—A. It was a general thing, as I learned.

Q. Do you know of any other distillers who paid these amounts?—A. I do not, only by rumor.

By Mr. CONGER:

Q. This was under Steadman's administration, was not it?—A. Yes, sir.

Q. It was under him that these irregularities you complain of occurred?—A. Yes, sir.

Q. Steadman was an officer under Johnson's administration, was not he?—A. Yes, sir; as I understood it, there were General Steadman, Colonel Moore, and Colonel Woolfley. Moore was the next officer to General Steadman. Woolfley was the assessor; if a survey of the distillery was made, it went through his hands.

Q. Were these men that you have been talking of appointed under Johnson's administration?—A. Yes, sir.

Q. Were they democrats, or not, as you understood it?—A. I did not understand it in that way, because a number of them have held office under the other administration.

Q. Steadman did, did he?—A. Not Steadman; Colonel Moore did.

Q. Did Woolfley?—A. Yes; I think he was sent out West—Nevada or somewhere.

Q. Was Steadman a democrat?—A. That I could not say. He voted the same ticket I did, I suppose—Lincoln and Johnson.

By the CHAIRMAN:

Q. What are your politics?—A. It is pretty hard telling in this State.

Q. What are your general national politics?—A. My last vote was for Greeley. I did not vote the time before that for Grant; I did not vote that time.

By Mr. NEW:

Q. Did you vote for Lincoln?—A. I did, both times.

By the CHAIRMAN:

Q. Do you hold any office under the Federal administration?—A. No, sir.

Q. Or under the State administration?—A. No, sir.

By Mr. CONGER:

Q. Who succeeded Mr. Steadman in that office?—A. Colonel Stockdale.

Q. And under Colonel Stockdale your distillery was closed, was it?—A. Yes, sir. I think it was the first hard work he done.

Q. Have you any charges to make against Colonel Stockdale for receiving bribes, or for practices which you have spoken of, with reference to other officers?—A. I prefer not to answer that, as he is dead.

Q. Or any of the officials, after he was appointed?—A. No, sir.

Q. Have you any complaint to make against officials under Colonel Stockdale, after he was appointed, in regard to this system of receiving bribes?—A. I have not been in that business.

Q. Either from your own knowledge, or from what you have heard from others?—A. I do not know of my own knowledge anything wrong in that department.

NEW ORLEANS, June 5, 1876.

HENRY LARSEN sworn and examined.

By Mr. REILLY:

Question. You live in this city?—Answer. Yes, sir; I was born in this city.

Q. You have lived here all your life?—A. Yes, sir; except that during the war I was away.

Q. What is your occupation at present?—A. Clerk; working for the opposition tow-boat company, Lone Star Line.

Q. What was your business in 1872?—A. I was in the shipping business.

Q. Have you ever been employed by the Federal Government?—A. I never held a political position in my life.

Q. If you have any knowledge of the making out of any vouchers or pay-rolls to draw money from the United States Treasury, tell the committee fully what you know upon that subject. If you fear that anything you may say will be to your own injury, I will request the chairman to explain to you what the law is on that subject.

The CHAIRMAN. The testimony you may give before this committee cannot be used against you in any proceeding hereafter.

The WITNESS. I do not know anything about whether it was pay-rolls or not. I was in the shipping business, and this act was passed to appoint shipping commissioners by the Government. I went to see some of these republican gentlemen and they told me to go and see General Sypher and perhaps he could get it for me. I went to see Mr. Sypher in the custom-house; he told me he would use his influence and try to get me the appointment. He said, "If I use my influence, will you try to use your influence to get me elected to Congress?" I told him I was a democrat. He said, "All I ask you to do is to work for Sypher; never mind anybody else on the republican ticket but me. I will work for Larsen, and you will work for Sypher." I did so. I told him I would do so. Then this Mr. Ferguson came down and they started this club down there.

Q. Which Ferguson is that?—A. George, I believe; a big tall man, a light complected man; he used to be a sergeant of the police. He came for me and told me a gentleman wanted to see me. I went out to General Sypher's house. I went out there to see him two or three times. He said, "There is a district club at the Stonewall Jackson hall," and he said to me, "I want you, when they have meetings there, to get all the boys round the neighborhood to go to this meeting and make a big show." I told him I would do so, and I did so. Then he asked me one day about my brother, who has got a store in Livingston Parish. Sypher sent for me to come to his house and he said to me, "Don't you think, by giving your brother a couple of barrels of whisky or so, he could influence those men up there to vote for me?" That was one of his parishes. I told him "I do not know." When my brother came to town, I brought him up to see Sypher. They had then made the nominations in this parish and put two or three democrats on this ticket, and he was telling my brother about these nominations and asking him how he thought they would run, saying, "They are big democrats," &c. My brother told him, "Mr. Sypher; I do not care who they put on the ticket; I am a democrat and all the men there that are voters"—Mr. Lobell and other gentlemen he named.

Q. Confine yourself to the pay-rolls.—A. I want to tell you I was not implicated, and know nothing about this. The day before the election, that is to say, on Saturday, I was up there at the custom-house. Of course I do not deny that Mr. Sypher made me a present of the money; but I never signed any pay-rolls. I got money several times from him.

By the CHAIRMAN :

Q. Tell us anything you know on that subject.—A. That Saturday I went up there to him, as everybody else, to get some money. Ferguson came to me and said, "Larsen, the general wants you to come in a little room in the custom-house. You go in there and wait in there till the general wants to see you." He called another young man in that lived in my ward—Mr. McLean, who is dead now. He told him also to go in there, and another young man by the name of Kincheu, whose father, I believe, is judge. He told us all to go in there and wait till the general came. We went in there. The general came in and said, "You go outside." There were some more big politicians wanted to see him. We stayed outside in the hall. After he got through he told us to go in. He had a bundle under his arm, wrapped up in a newspaper. He told them, "Now, here are a lot of documents." It was a Saturday, and we were all expecting money. There were two or three hundred people. He said, "The money has not come from Washington," or "Money has not arrived, and I can't pay you; you sign these documents"—whether they were pay-rolls or not, I do not know—"and I will go out and I will come back, and don't you let anybody in." We shoved pieces of paper in the key-hole, so that they could not look through. I signed these papers. There was no name specified, only they were printed. He said, "Don't sign them all alike; make crosses, and try and make them in a different handwriting." He came back. We gave them to him. He wrapped them up and took them away again. What they were, whether pay-rolls or not, I could not say under oath.

Q. How long were you engaged there?—A. I was not hired at all. I was working for him to help him.

Q. How long were you in that room?—A. I went there about 10 o'clock in the morning and we were not more than a half or three-quarters of an hour doing this. I think Ferguson and he went out together and went off somewhere, and he and Ferguson came back. At any rate he came back. It was then about 4 o'clock. He said, "There ain't any money yet." I said, "How about election day?" He said, "Larsen"—he always used to call me Larsen—"I can let you have \$20, I think." Two young men that were there asked him for money, and I said, "That young man is a friend of mine, a poor young man, and if you have got any money let him have some." He took him into Mr. Brown's office and spoke to a little gentleman with black moustaches. He said his name was Brown—I never had no dealings with him—and he got something and he handed this to Mr. Rogers and Mr. King. It was an envelope with money in it. He

told me to call at his house on Sunday. I went there on Sunday, and there was a crowd there cursing him for not paying them, and this, and that, and the other. I asked a gentleman on the stoop if the general was in. He said he was in the dining-room. I knocked there once and they would not let me in, but I knocked again. He opened the door and he said, "Larsen, you know how it is, there is no money; but I will pay you and all these boys Monday." I said, "Monday is election day, and after that you will have no use for us." On Monday I met him at the polls, and he took me into a butcher's shop in the presence of witnesses there, and he gave me this money out of his own pocket. He put his hand in his pocket and hauled it out.

Q. How much did he give you?—A. Sixty dollars. He never gave me \$90 at any time. I asked him and he gave me money, but I know nothing about pay-rolls. I do not know if I am on pay-rolls. I said, when he gave me the money, "General, let us go over to Swan's and have a drink." While he was at the bar he had a handful of money, and everybody, democrats and republicans, made a break for him. Some got \$10; some \$3—different sums. He had left a roll of bills, and he said, "Swan, you take this and treat the boys." Swan said, "General, I told you before I did not want any of your money." At one time he had brought down \$500 to Swan, and Swan told him he did not want it; he was a democrat.

By Mr. REILLY:

Q. Can you tell us what month of the year 1872 this was in?—A. When these papers were signed it was on a Saturday.

Q. Of what month?—A. In the month of October. Saturday was the last of the month, and Sunday was the first, and Monday was election-day. The 2d of November was when the election was held, and it was the last working-day in October.

Q. You say William McLean and Henry Kinchen were there in the room?—A. I do not know Kinchen's first name; they were in the room with me. I could not say whether Ferguson signed them.

Q. You three were alone together for some time?—A. Yes, sir.

Q. State whether or not you were locked up in that room?—A. We locked ourselves up, with the key on the inside.

Q. And waited there from the time Sypher left, which was about 10 o'clock in the morning, until he returned, about 4?—A. No, sir; it was after 10 he left; we came there about 10; he left about 12 or 1.

Q. And then you three remained there locked up till he came back?—A. Yes, sir.

Q. And during that time you signed these papers?—A. Yes, sir; I signed some. We signed different handwritings; whatever they were I could not tell. I did not look at them. I did not think it amounted to anything.

Q. There was no amount specified on these?—A. No, sir.

Q. There was no writing filled in?—A. No, sir.

Q. All of the paper was printed?—A. Yes, sir. I could not swear on oath whether it was all printed.

Q. Did you sign some of them?—A. Yes, sir.

Q. Did McLean sign some of them?—A. Yes, sir.

Q. Did Kinchen sign some of them?—A. Yes, sir.

Q. What names did you put to these papers?—A. Whatever names was on the papers before. The papers came up in a roll. He had them rolled up. They were printed, and there was a man's name in there, and we would sign the man's name at the bottom.

Q. There was a man's name filled in?—A. The man's name was all the writing filled in on it.

Q. And then you would sign this name at the bottom?—A. Yes, sir; he said it was merely a matter of form. I never worked on the pay-roll of any department, either United States or State, except I was once United States marshal at election.

Q. How many of these documents did you sign?—A. I could not say how many of those.

Q. To the best of your knowledge, how many?—A. About fifteen or twenty or twenty-five. I might have signed more, because I do not remember exactly.

Q. How many did you have altogether; how many were in the bundle that Sypher laid down?—A. I could not tell.

Q. Did McLean take some to sign?—A. They were all left there. We signed them and we left them on the table.

Q. Did he write some?—A. Yes, sir.

Q. Did Kinchen write some?—A. Yes, sir.

Q. You all three were engaged in signing names to those documents?—A. Yes, sir.

Q. That was the day that Sypher gave you \$20 when he came back at 4 o'clock?—A. Yes, sir; after he came back. He gave it me in the hall.

Q. And was it McLean and Kinchen that you said were two friends of yours, and that they wanted some money, too?—A. No, sir; that was Mr. King and Mr. Rogers.

Q. Where was it that that occurred?—A. In the custom-house, up-stairs.

Q. In this same room?—A. Yes, sir.

Q. Was that before or after you had signed those papers?—A. We were coming out of this room, and everybody had gone home with the exception of one gentleman, whose name I have forgotten.

Q. You say Sypher took these men to a man named Brown?—A. That is what they told me his name was; it was on the same hall.

Q. You did not go in with them?—A. I went as far as the door because I had not got my money myself.

Q. Do you know whether that was the banking department of the custom-house?—A. It was where they paid off men.

Q. Do you know whether Mr. Brown was the cashier?—A. I could not say; that is what they were all saying. I used to hear men who were drawing money say, "I must go to Brown."

Q. You always understood he was the paymaster?—A. I understood him to be; I never had any dealings with Brown.

Q. Who gave these men the envelopes, after they had been to see Brown?—A. General Sypher.

Q. Did you see where he got them from?—A. No, sir; he went in the door. He was talking to these men. He had some envelopes; he took them out of his own pocket; he looked at the names on the envelopes.

Q. Did you hear anything said by him or any one in the party as to whether there was any money in them, or what was in them?—A. I suppose as soon as they got the envelopes the men went away. They told me they were waiting for money.

Q. Did you see them take the envelopes out of their pocket afterward?—A. No, sir; I was waiting for Sypher to come out. He did not give me any envelope; he gave me \$20 out of his pocket.

Q. Did you belong to the same political club that Ferguson belonged to?—A. I was not a member of the club.

Q. But you know the name of the club of which he was a member?—A. The Third District Radical Republican Club; he was president of the club.

Q. Did you use your influence on election-day?—A. I did, for Sypher; I worked for Sypher.

Q. Did you get the appointment afterward?—A. No, sir; I never held an appointment, except I was court officer down there last November a year ago for a couple of months. I did not get that from him. I got that from Judge Long; he was a democrat.

Q. How much money did you get altogether?—A. I could not tell you.

Q. Give us an idea, as near as you can.—A. That I could not tell, because sometimes I would go out to his house and he gave me \$10. He gave me money to go to my brother's place, to notify them before he went that he was coming up with a lot of friends to make speeches, and to have a dinner laid out for him and the brass band.

Q. How much was the largest amount you have got from him at any one time?—A. Sixty dollars; that was on election-day.

Q. During what length of time was it that you were getting money from the time that you went first to see Sypher to get his influence to get you this appointment till election-day?—A. About two months, I suppose.

Q. It was running during a period of two months?—A. Yes, sir.

Q. Can you remember the name of any person at all whose name you have signed to these documents?—A. No, sir, I could not; I knew there were names of some of the boys that lived down town that were on the documents, but who they were I do not remember, because when Billy McLean would get hold of them he would say, "Hallo, here is so-and-so's name on here;" he would say, "Put his name down any how."

Q. You put down the names written out; you did not invent any names?—A. No, sir; the names were all there for us to copy them.

Q. Do you remember George Woolrich?—A. Yes, sir.

Q. Do you remember whether his name was signed?—A. I could not say.

Q. Do you know Benjamin Mancini?—A. Yes, sir.

Q. Do you know whether his name was signed to them or not?—A. I do not know; I have a sort of an idea his name was there.

Q. Do you know F. W. Nikoll?—A. No, sir; I do not know him.

Q. Do you remember whether that name was among them?—A. No, sir.

Q. Was the name of William Swan among them?—A. No, sir; I will take an oath Swan's name was not there on the list that I signed or on the list that any one of them signed, because Billy Swan is one of the big politicians in that ward, and every one was acquainted with him, and would notice it if his name was there.

Q. You were well acquainted with Swan at that time?—A. Yes, sir; I was assistant foreman; he was keeping a coffee-house; he was foreman of the company and I was assistant foreman.

Q. Do you know whether he was employed in the custom-house?—A. I do not know about his being employed; I took Sypher down to see him, and he treated Sypher with

silent contempt. I had a falling out with Swan about it. He might have been employed; that I don't know anything about.

Q. As far as you know, did you see him attending to his own usual business?—A. Yes, sir. I do not believe I could say on oath I ever saw him at the custom-house.

Q. Do you know George De Lanza?—A. No, sir.

Q. Do you remember whether that was one of the names signed?—A. No, sir.

Q. Do you know Benjamin Leggitt?—A. I know he was employed; he was one of Sypher's right-hand men.

Q. Was that one of the names used?—A. I do not remember.

Q. Do you know Hugh Swan?—A. I know he was employed by Sypher, but whether he was employed on that pay-roll I could not say.

Q. Do you know whether he was employed in the custom-house during August and September of 1872?—A. I do not know whether he was employed or not.

Q. Do you know what his business was during 1872?—A. He was doing nothing. I know, after the election, he got an appointment from Sypher.

Q. But before the election?—A. He never held any political position before.

Q. What place did he get?—A. He was appointed boarding-officer, or something to pull a boat, at the Southwest Pass.

Q. Where is this man Kinchen?—A. I believe his father is judge of Livingston or Tangipahoa—somewhere up there; I never saw the man until that day when I was introduced to him by Ferguson.

Q. Have you seen him since?—A. If I saw the man to-morrow I would not know the man again.

Q. Do you know whether he was employed in the custom-house?—A. I do not know.

Q. Was his name signed to these papers or documents?—A. No, sir; if it was, he signed it himself.

Q. How do you come to remember the name, if you never saw him before or since?—A. When I went up to the parish of Livingston, there was a judge there named Kinchen. I asked Ferguson if that was Kinchen that was with us; he said, "No, it was his father."

Q. Do you know a man by the name of James H. Bailey?—A. No, sir.

Q. Do you know whether that was one of the names attached to these papers?—A. No, sir.

Q. Do you know whether any such man was employed in the custom-house at that time?—A. I could not tell.

Q. Try and remember about how many of these papers were altogether in the pile that Sypher told you to sign, and then the money would be all right.—A. I could not tell.

Q. You can say whether it was 100 or 500 or 50.—A. They were counted; I know some one of the party counted them, but how many there were I could not say.

Q. Was it as many as 300?—A. I do not think it was as much.

Q. Was it as many as 200?—A. It was 150 or 200—somewhere around there; I could not say now positively how many forms.

Q. Do you remember any of the words that were printed on those papers?—A. No, sir; I never as much as read them.

Q. Was there some large type and some small type?—A. There were some large letters and some small on them.

Q. Was there a heading?—A. Yes, sir; there was a heading.

Q. In large letters?—A. Yes, sir.

Q. You do not remember what it was?—A. No, sir; I do not remember what it was.

Q. Do you remember what the forms were?—A. No, sir.

Q. Was it in the shape of a receipt or what?—A. I do not know whether they were in the shape of a receipt or not; I could not say.

Q. Where did you sign the name?—A. At the bottom; right here in the corner.

Q. And the printing was all before that?—A. Yes, sir.

By the CHAIRMAN:

Q. Will you describe these papers that you signed as closely as you can recollect them; what did they look like?—A. They were papers.

Q. Would you know one of them if you were to see it?—A. I believe they were white papers, about as large as that, [showing a half-page of foolscap;] perhaps a little longer than that; they were not as wide as they were long.

Q. Name the inches.—A. I could not tell—8 or 9 inches wide.

Q. Was it a single paper or a folded sheet?—A. It was a single paper.

Q. Folded?—A. It was rolled round this way, [illustrating.]

Q. Did you sign more than once on the same paper?—A. That I could not say; I do not remember.

Q. Do you recollect whether you signed on the inside and turned it and signed it on the outside?—A. No, sir; we did not sign it on the outside. We would sign them, and as fast as we would sign them we would fold them and hand them over.

Q. Where did you sign?—A. In the corner at the bottom.

Q. Was there anything printed on that paper?—A. It was all printing.

Q. What sort of printing?—A. Some large and some small.

Q. Can you recollect the color of the ink in which the printing was?—A. No, sir; I cannot.

Q. Was it red, blue, or black ink?—A. I think it was black ink.

Q. And the paper?—A. I think the paper was white paper.

Q. What did you think at the time that you signed this paper that it was?—A. I did not understand that they were vouchers, but they are the men's pay, so that the men could draw the pay that night; the money would not get there till late.

Q. What men were to be paid?—A. The men who were waiting outside.

Q. Who were they?—A. A lot of men supposed to be working for General Sypher.

Q. Were they laborers in the custom-house?—A. No, sir; they were working outside for him.

Q. Did you understand it was necessary for you to sign these papers so that money could be gotten on them?—A. That is what I understood.

Q. Were you informed by whom the money was to be obtained?—A. It was coming from Washington, and when the money was coming there he made the remark the money he expected had not come and he could not pay the boys, and he would be in trouble; it had missed connection, or something like that.

Q. Have you reason to believe that money was paid on these rolls that you signed?—A. I did not see it paid, if it was; that is what we believed.

Q. Did you have reason then to believe that money was actually paid upon these rolls that you signed, and that you saw others sign, in this room?—A. Yes, sir.

Q. Give your reasons.—A. Because we were as much as told so in the room—that that was what it was for.

Q. Who said that?—A. Mr. Ferguson and the gentlemen there—Mr. Kinchen, and all of them.

Q. State precisely what they said which led you to believe that money was to be obtained upon these pay-rolls.—A. I do not know; it is so long ago I do not know anything about it. Mr. Ferguson knows more about this matter than I do. I have said all I know about it. I do not see what you want me before this committee for. He is the one that knows all about that, and has got me into this scrape. I know nothing about the custom-house, or the pay-rolls, or anything else.

Q. We may differ about that; you say you have signed papers in there?—A. Yes, sir; I have signed papers; I am willing to tell the truth.

Q. Do you know how many of these papers were signed?—A. No, sir; I could not tell.

Q. How long were you signing papers there?—A. We were about half or three-quarters of an hour signing, but we were kept in the room till General Sypher returned.

Q. Were you busy signing all the time you were in the room?—A. Yes, sir.

Q. Were there other parties signing too?—A. Yes, sir; we would sign some back-handed, and in our own writing, and some with crosses.

Q. You were disguising you own handwriting?—A. Yes, sir; General Sypher told us to do that.

Q. You had the names, you say?—A. Yes, sir; we had names on a paper.

Q. Do you know who wrote the names on the paper?—A. No, sir; I never saw the names till General Sypher came in with them under his arm; he was bareheaded when he came in from the hall.

Q. Then I understand you to say that you have no idea, and do not know who paid the money on those pay-rolls?—A. No, sir; I do not, and I could not on oath say that they were pay-rolls, only what I heard in there.

Q. In other words you do not know who paid the money on those rolls that you signed?—A. No, sir; Mr. Ferguson knows all about this affair—he and General Sypher; he could tell you because he was interested, and he had something at stake, and I had nothing at stake only working for this position.

Q. All the money you received you received from General Sypher?—A. Yes, sir, personally; he never told me he was going to put me on any pay-rolls.

Q. And all the money you received you received for working politically for Sypher?—A. Yes, sir; for Sypher.

Q. For Sypher alone, of the republicans?—A. Yes, sir; he said, "You are a democrat; I don't want you to work for anybody else; but you work for Sypher and I will work for Larsen."

Q. So that all the money you did receive you received for working for Sypher's election?—A. For Sypher's election; yes, sir.

Q. Was that so with these other boys, so far as you know?—A. I know there were a good many boys I took up and introduced to General Sypher—men from down town.

Q. Did you work for Sypher?—A. Yes, sir; Mr. Cunningham went up to see Sypher, and the understanding was he was to work for Sypher, but he did not work for Sypher.

Q. Every paper you saw signed had some written name in it when it was brought to you?—A. Yes, sir.

Q. You did not put any other name than what was written?—A. I never put anything else but the name; if the other parties put any more names on it, I cannot say; I can tell my handwriting wherever I can see it; if the papers are here, I can see whether they are the same ones.

Q. You wrote exactly the same name at the bottom that was already written in the middle, did you?—A. Yes, sir.

Q. And, as far as you know, these other men wrote only the same name that was written in?—A. Yes, sir.

Q. You did not, any of you, write these middle names on the papers?—A. I did not; I did not know what the other parties done.

Q. You saw all these papers when they were opened?—A. Yes, sir; I took some and Mr. McLean took some and Mr. Kinchen took some; then I would write them and leave them on the table.

Q. But they had all the same name you wrote somewhere in the middle?—A. Yes, sir.

Q. And you do not know where the money came from finally that was paid?—A. I never saw any money paid.

Q. So far as you know, it was paid by Sypher himself?—A. Yes, sir; I never gave Sypher a receipt for anything. Whenever I would ask him for money he would generally give it. As for signing any pay-rolls, I know nothing about them; I never understood I was put on the pay-roll.

Q. This was the Saturday afternoon before the election?—A. It was a Saturday; election was on Monday.

Q. What year was this?—A. Eighteen hundred and seventy-two.

Q. Sypher was running for Congress?—A. Yes, sir; he was a member of Congress and was running for re-election.

Q. Did you have any talk with any custom-house officers about this business? Did you talk with any one about it—about Sypher?—A. I did; I talked with Mr. Ward; he was the one that persuaded me to come up and see Sypher about the appointment as shipping-commissioner.

Q. I mean about these payments.—A. No, sir; Mr. Ward was the man for Mr. Sypher that put men on the pay-rolls, and I said to him, "It is no use my trying to go there." I said, "If he gets me that appointment, that is all I ask." I did not ask him to put me on the pay-roll.

Q. You wanted to be United States shipping-commissioner?—A. Yes, sir; I asked him, and he said he would give it to me.

Q. Who were you to get it from?—A. Judge Woods. Colonel Wright was appointed. In 1874 he came to me—came to Mr. Swan's—Sypher did, and asked me if I would do anything. I said, "No, sir; you disappointed me." I went to the clerk in Judge Woods's court, Mr. Woolfley; he told me, "Larsen, I do not think you have got influence enough, and another thing, I do not think Sypher will have the say about it." I told Sypher what was told me. He said, "O, yes; I have all the say about it; whoever I recommend will get it." I said, "If you cannot get me the appointment, get me made the deputy." He said he would do all he could; he did not get it, and in 1874 I told him I would scratch him every time.

Q. Did that appointment come from Washington?—A. Judge Durell appointed Wright. Judge Woods was the gentleman to appoint. That was Sypher's excuse. He said if Judge Woods had been here, Wright would not have got the appointment.

Q. How could Judge Woods make the appointment?—A. By the circuit court. The law says they are to be appointed by the circuit-court judge.

Q. And Durell was the circuit-court judge?—A. Durell was here; Woods was not here; when he opened court, the first or second Monday in November, the first thing they done was to appoint these shipping-commissioners.

Q. Had there been a shipping-commissioner before?—A. No, sir; they never had a shipping-commissioner till 1872; anybody could be in the shipping business before; we paid only \$100 license.

By Mr. REILLY:

Q. Who was this man Ward that called upon you to get you to go to see Sypher?—A. He is at work in the United States bonded warehouse. He did not take me there. He advised me to go. He said if I would see General Sypher, he would be able to do something for me.

Q. Was he in the employ of the Government at that time?—A. Yes, sir. He is there now. He has been there 10 or 12 years.

Q. Where is he now?—A. He is working in the custom-house.

Q. What Mr. Ward talked to you about was about giving you the appointment as shipping-commissioner?—A. He told me to go and see General Sypher, that General Sypher had some influence, and perhaps could get me the appointment.

Q. Did he say anything to you about these other matters?—A. No; he never spoke to me about anything else; he told me he was a friend of mine.

By Mr. DARRALL:

Q. Did you ever sign any other rolls except this one?—A. No, sir; I never signed any rolls before.

Q. And that was the last Saturday in October?—A. Yes, sir.

Q. And Mr. Kinchen and Mr. Ferguson were present?—A. Mr. Ferguson was the one that called me into the room.

Q. Was he present, or did he assist, in signing the rolls?—A. I could not say whether he was there a little while or not.

(Question repeated.)—A. Not that I am aware of; he was there a little while, and then he and Sypher went off for a walk somewhere.

Q. Then this money you received from General Sypher was for making a personal canvass for him?—A. Yes, sir; I as much as understood I was not on any pay-roll.

Q. Have you ever canvassed for any one else than General Sypher?—A. No, sir; I am no politician, and never was in politics. I always had something else to do for a living.

Q. Can you state to the committee the room where you signed the pay-rolls—whether it was the second or third floor?—A. It was away up on the third floor; it was a small room.

Q. Was the room used by General Sypher as an office?—A. Yes, sir; that was General Sypher's office; everybody that ever wanted to go to the custom-house to see Sypher at that time, knew Sypher's office in the custom-house.

Q. Do you understand that this man Brown, who was a clerk, was employed in the custom-house under Casey, or was he employed in the construction department under Morse?—A. I believe he was in Morse's department. I know he used to set laborers working in the custom-house.

Q. Working in the custom-house or for Colonel Morse?—A. I know he used to pay Colonel Morse's employes; that was the way Colonel Morse's employes were paid; the rest of the men said it was strange the laborers were getting paid; there were men that lived down in our ward that were on the pay-rolls.

Q. This Mr. Brown was an employe in the construction department, and paid the employes under Colonel Morse?—A. I do not know where he was employed; he paid the laborers off that day.

Q. There are laborers both in the custom-house and under Morse?—A. These men were working for Morse.

Q. Repairing the custom-house?—A. Yes, sir; there was a young man that was shot three months ago that was working there; his name was Nulty; he said, "I went in there and got my money."

Q. You say there were some two or three hundred at the door?—A. Yes, sir; you could not move; they were sitting all around to see Sypher.

Q. Did you know many of them?—A. Yes, sir, I knew many of them; but whether they were on the pay-roll I could not say.

Q. Did that include laborers of the custom-house, or were they all men that were canvassing for Sypher?—A. These men up-stairs were not laborers; some of the laborers would come up-stairs and sneak away from their work, and have a smoke, and go to their work again; these men up-stairs, that I speak of, were all men working on the outside.

Q. Do you remember any of the names that you signed?—A. No, sir, I could not; I think Mancini's name was there.

Q. Do you remember any others?—A. No, sir; it is so long ago that I never thought any more about it till I was subpoenaed; and I asked why, and they told me it was on account of these pay-rolls. I told them fellows, "You will get your money; I signed a lot of rolls in there;" I thought there was no harm in it.

Q. Did they get their money?—A. I do not know. I know there was a great deal of dissatisfaction on election-day. I know if Sypher had paid what he promised them he would have got a great many more votes.

Q. The pay-rolls that you signed were the shape of that paper, [a half-sheet of foolscap,] only a little longer?—A. Yes, sir.

Q. They were a single paper?—A. Yes, sir.

Q. Did you know, in regard to this money from Washington, whether it was to be Government money that was to be received, or was it from some committee there?—A. I could not say what sort of money it was, or who was to send the money; but I know Sypher made the remark, "The money has not come; you stop here and sign these papers and I will go off." We looked out of the window and he went off in a cab. When he came back he said, "Boys, I cannot do anything for you; the money has not arrived." He told this to the men, and they cursed and swore and said he was trying to beat them out of their money; he told them to come Sunday night to his house; on Sunday night there were five hundred or a thousand men sitting on the steps and in the garden and all around his house.

Q. State whether, in your understanding, all these men, two or three hundred or a thousand, or whatever there were, were employed by, and were to receive money from,

the Government, or were to receive General Sypher's money.—A. I do not know; they were working for Sypher; that is what I understood; some of them said—and this was common talk—"You are on Sypher's pay-roll; you are not doing anything."

Q. Was it Sypher's pay-roll or a Government pay-roll?—A. I do not know.

Q. Did any of them ever say they were on a Government or a custom-house pay-roll?—A. A great many of them said, "Custom-house pay-roll." I do not know whether they were or not; I used to hear them say something about a Government pay-roll, but I do not suppose they knew anything more about it than I did. I do not believe any of them were on the custom-house pay-roll. They used to get their money in envelopes. There was a young man by the name of Fernan, and I heard him say in the presence of witnesses there was \$1,000 sent down to Ben Leggitt, and so much to him every month, and that he (Fernan) was to get an envelope with his money in it, and he did not care a damn for anybody; it was sent to him.

By Mr. REILLY:

Q. Did you know Fernan at that time?—A. Yes, sir.

Q. What was his business?—A. I believe he was driving a dray or something.

Q. Was he in the employ of the custom-house?—A. No, sir.

Q. And he was not working for the custom-house?—A. No, sir.

By Mr. CONGER:

Q. Were you up in the room when Sypher said he would go off and get the money, and you looked out and saw him going away in a cab?—A. Yes, sir.

Q. When he came back he said it had not come?—A. He came up-stairs again. We were told to stay up-stairs. He said he had no money—that the money had not arrived—it had missed connections, or something of that kind, and had to lay over somewhere.

By Mr. DARRALL:

Q. Do you know of any officers of the custom-house under Collector Casey or Mr. Herwig having to do with these pay-rolls, or having to do with hiring these men in any way?—A. No, sir; I do not know anything about any of them. I never had any dealings with them.

Q. If you know anybody else that can give that information, state their name.—A. I know nothing about it; if I knew as much then as I do now, I would have kept away from them.

By Mr. REILLY:

Q. Where do you live?—A. 22 Marigny street.

NEW ORLEANS, *June 5, 1876.*

PATRICK F. FINNEGAN sworn and examined.

By Mr. REILLY:

Question. Where do you reside?—Answer. 142 Second street.

Q. How long have you lived in this city?—A. Twenty-nine years.

Q. What is your occupation?—A. My occupation now is a laborer in the custom-house, but my profession is a tin and copper smith by trade.

Q. Under what department of the custom-house are you now employed?—A. The appraiser's, under Mr. Jackson.

Q. How were you employed last September?—A. I was employed in the custom-house, and have been three years and five months.

Q. Will you state to the committee whether last autumn you did not work as a tin and copper smith upon the residence of the collector of the port of this city?—A. Yes, sir, I did.

Q. Did you do any such work in the month of October?—A. I suppose so; I could not tell you exactly the month it was in; it might be either September or October, I do not know which; it was somewhere in that neighborhood, any way.

Q. Can you state how long you were employed in this work on the residence of the collector?—A. I was employed there about 12 days.

Q. Twelve days altogether?—A. Yes, sir; about 12 days.

Q. And not for a longer time than that?—A. I was there two different times, but not for a longer time.

Q. Was it 12 days each time or 12 days altogether?—A. I suppose I was there about 18 days altogether.

Q. At that time and for that time you were employed at work on the collector's residence, did you receive pay on the rolls of the custom-house?—A. Yes, sir.

Q. Are you prepared to say that you were not engaged for three months at work on Mr. Casey's residence?—A. Yes; and to all the committees in the country I could swear that I was not engaged as much as three months nor as much as one month. I was employed as a roundsman or district officer in the fourth district at the time, and had left a man in my place for the few nights that I was away, because, of course, I could not be there at night and work all day too.

Q. Do you say you employed a man to take your place at the custom-house?—A. No, sir; there has been a man in my place. I appointed a man that was working under me to take my place during the time I was absent.

Q. Was he in the custom-house?—A. Yes, sir; he was a night-inspector and he took my place.

Q. What was his name?—A. James Grimes.

Q. Is he in the city now?—A. I do not know.

Q. Did he perform your duties in the custom-house as night-inspector?—A. Yes, sir; he performed roundsmanship.

Q. Did you pay him?—A. No, sir, I did not; he was one of the night-inspectors in the custom-house.

Q. You neither employed him nor paid him for these services?—A. No, sir. He was there before I came into the custom-house, but he was working under me. I was a roundsman and he was one of the men under me, and I appointed him in my place during the time I was absent.

Q. Were you paid for the work on the residence of Mr. Casey in addition to your pay?—A. No, sir, I was not; but there is another thing. Every inspector is entitled to fourteen days' leave of absence. I never was a day absent from the custom-house in three years, so I considered that at that time it was nothing out of the Government's pocket. I would have got my fourteen days' pay if I had looked after it. The officials would surely give me the fourteen days which they give to all the balance of them. I never got one day, or even one hour, though I have been there three years and five months.

By Mr. NEW :

Q. What was your duty at the custom-house?—A. My duty was roundsman on the levee.

Q. What do those duties consist of?—A. The duties at that time were to go in the office at 5 o'clock, relieve the day-man, get instructions where the vessels were lying and put a night-man on there, and then go round twice a night and see they were attending to their duty, and then in the morning to make a report of that to the surveyor of the port in writing and hand it in to him in the morning, stating where each man was on duty, or what vessel he was on, and what freight it was, what post and what number.

Q. This was a day-duty?—A. No, sir; a night-duty.

Q. Do you say that while you were at work on the collector's house you supplied your place without cost or expense to the Government by another person?—A. No, sir; I did not. I say the other man was an inspector; I appointed him in my place, but not, of course, at my expense, though.

Q. Did he discharge your duties while you were at work for Casey?—A. Yes, sir; I suppose he did; of course I did not look over the rolls, but I suppose so.

Q. If your duties were night-duties, why was it necessary, while you were working in the day-time for Casey, to have a man at night in your place at the custom-house?—A. Somebody had to take my place. There has got to be a head to everything. Somebody had to be at the head of the men to show them what vessels to go on and what posts to fulfill, and to see what freight it was and to make a return of the same in the morning.

Q. Did you pay that person that supplied your place anything?—A. No, sir; I did not.

Q. Do you know whether he received pay from any source?—A. Yes, sir; he received pay.

Q. How do you know he received pay?—A. Because all Government officers are supposed to get pay.

Q. You supposed, then, that he received pay from the Government?—A. Yes, sir.

Q. Did you receive pay from the Government for the same period?—A. I did, sir.

Q. Then both of you received pay for the same duty?—A. Yes, sir.

Q. But you did not receive any pay that purported to be pay for that work on the collector's house?—A. No, sir; I did not.

Q. About how many days did you work on Casey's house?—A. I suppose, to my best recollection, I worked about eighteen days.

Q. Was there any talk between you and Casey as to whether you should or should not be compensated for it?—A. No, sir.

Q. Or whether you should or should not be compensated for your night duties at the custom-house in your absence while working at his house?—A. No, sir; there was not.

Q. Was there ever any talk between you as to whether you should not be paid for the work, as such, that you did for him upon his house?—A. No, sir.

By Mr. REILLY:

- Q. Have you done any work there before or since that?—A. No, sir.
 Q. That is the only occasion?—A. That is the only occasion.
 Q. During all the time you have been in the custom-house?—A. Yes, sir.
 Q. Have you done any work at your trade for any other people's houses?—A. Not since I was employed in the custom-house.

By Mr. CONGER:

- Q. At that time your work was altogether night-work, was it not?—A. Yes, sir.
 Q. And at that time you had the day for your business, for sleeping, or for rest from your work, or whatever you chose to do?—A. Yes, sir.
 Q. That was without interfering with the Government work at all?—A. Yes, sir.
 Q. And you say, by the regulations, you would be entitled to fourteen days each year as leave-time?—A. Yes, sir.
 Q. And that for three years and a half you had never taken any leave?—A. Yes, sir.
 Q. You would have been entitled to those fourteen days, if you had wanted them, without your pay being stopped?—A. Yes, sir; without the pay stopping, by the printed rules of the Government.
 Q. The man was appointed in your place, because, when you did work in the day-time, you could not be on duty nights, but the days were your own to do as you had a mind to with them?—A. Yes, sir; I could have worked all day if I wanted to.
 Q. How came you to go to do this job of work on Casey's house?—A. I was asked to do it. Colonel Casey knew I was a tinsmith by trade, because I followed it before I was employed in the custom-house. I had done work on the churches, and had got busted at it. I had to do something for a living.
 Q. Then it was a mere matter of accommodation that you did that work for Casey?—A. Yes, sir.
 Q. You did it without any additional pay?—A. Yes, sir; without a nickel.
 Q. But it was during the time that you would have been entitled to as a leave of absence if you had wanted it for other purposes?—A. Yes, sir.

By Mr. NEW:

- Q. How did you come to work the four days over the fourteen?—A. That was a different thing; I did not work more than ten days at a time.
 Q. How did you come to work eighteen days altogether, if you predicate the work being proper on the fact that you were entitled to fourteen days as a leave of absence?—A. I did not finish the work the first time. I did some little guttering that was ready to be done, but it was not finished, and so it laid back till the next year, when I finished it.
 Q. Why did you let it go unfinished if you had worked at it less than fourteen days?—A. Because the work was not ready. I could not put gutters on a house that was not built.

By Mr. CONGER:

- Q. The next year you were entitled to another fourteen days?—A. Yes; I only used four days. I used ten days in the first place, and the next fall I used seven or eight.

By Mr. STEVENSON:

- Q. Do you say that there is some regulation of the custom-house by which a man gets pay for fourteen days out of every year when he does not work?—A. Yes, sir; it is the regulation; it is in the inspector's printed book; the man is entitled to them.

By Mr. CONGER.

- Q. That is, he is entitled to a leave of absence of fourteen days for sickness or pleasure or anything else?—A. Yes, sir.

By Mr. NEW:

- Q. Had you at any other time taken a leave of absence, in order that you might perform labor for another person, without pay, whether for fourteen days or less?—A. No, sir.

By the CHAIRMAN:

- Q. Did you get a leave of absence?—A. No, sir; I did not.
 Q. So you were doing this work without having a leave of absence?—A. Yes, sir; I was.

By Mr. REILLY:

- Q. Who asked you to do this work?—A. Colonel Casey.
 Q. Was this a new house that was being built, or an old house that was being repaired?—A. It was an old house, with an addition.
 Q. They were improving it?—A. Yes, sir.

By the CHAIRMAN:

Q. Did you ever make a seizure at the elevator in the fourth district?—A. Yes, sir.

Q. Who assisted in making that seizure?—A. Mr. Casey.

Q. And when was it?—A. It has been two years ago, I think; it is somewhere in that neighborhood. It was a lot of cheese and wine; I do not know the quantity.

Q. You recollect seizing some casks of wine?—A. Yes, sir.

Q. How many?—A. I think there were four casks or barrels, I think, and a keg and a demijohn, and I believe there was a jar; I am not sure.

Q. There was also some cheese?—A. Yes, sir.

Q. How many cakes of cheese?—A. Somewhere in the neighborhood of 130 or 140; I do not recollect; when I counted them, I counted them all together.

Q. Did you seize all these articles at one time?—A. No, sir; I did not; the night-inspector, Casey, had seized a lot of these cheeses on a wagon, and as I was district officer, he reported the same to me. He seized the horse and wagon as well as the cheese. I took charge of the horse and wagon; that is, I left it in the charge of another man. I went to the vessel and searched her, and I found the wine and some more cheese.

Q. Do you know how that seizure was reported?—A. I reported two different seizures.

Q. What was your share?—A. I do not know what my share was, for I never got anything.

Q. You never got anything?—A. No, sir; not a nickel, and never looked for it or asked for it.

Q. Do you know whether the horse and wagon were seized?—A. Yes, sir; I had seized the horse and wagon myself.

Q. Were they sold?—A. Yes, sir.

Q. Among the goods seized?—A. The horse and wagon was sold. About the balance, I do not know whether they were sold or not. That I could not say.

Q. Did you get any portion of it?—A. No, sir.

Q. None at all?—A. None at all.

Q. Do you know anybody who did?—A. Casey, I heard, got some money. I never asked him how much.

Q. Why did not you get a part?—A. I never looked for it. I never asked for it. I saw there was too much trouble about it for me, and I believe Casey had to sell his claim to get what he did get.

Q. What was Mr. Casey?—A. He was an inspector. He was the one that made the first seizure of the cheeses and turned them over to me. The next morning I went and searched the vessel and found the wine and the balance of the cheese.

Q. How came you to seize it?—A. It was illegal to be taking goods off from a vessel at 9 o'clock at night, and I have a right to seize everything that is taken off. They are defrauding the Government.

Q. You thought that these people who owned these goods were about to defraud the Government?—A. They were; because the first of the goods were seized on the street after they had been taken off. That was a wagon loaded with cheese, which was handed over to me. I took charge of it, put it in the office and locked it up, and sent the horse and wagon to the surveyor and do what he liked with it.

Q. But you are sure you got no share of the proceeds of these goods?—A. No, sir; not a nickel.

By Mr. CONGER:

Q. These goods were being unloaded from this vessel at a time when they had no right to unload them, were they not?—A. Yes, sir; they had no right to unload them at that time. They had a right to stop at 6 o'clock and seal up all hatches. This vessel had been unloading and had gone to the elevator to take another cargo. Therefore, she was unloading these goods at night and sending them away unlawfully.

Q. They were goods that she had not reported?—A. Yes, sir; goods that she had not reported.

Q. And they were seized because they had been smuggled in?—A. Yes, sir.

Q. And legally seized?—A. Yes, sir; legally seized.

Q. And you were legally authorized to seize them?—A. Yes, sir; and as I was the roundsman and district officer, the man reported the facts to me.

Q. Those goods were forfeited to the Government?—A. I delivered them up to No. 1 in the custom-house—to the store-keeper.

Q. Who is this man Casey?—A. He was night-inspector at that time. He is now a boatman for the Government.

Q. It is not Collector Casey?—A. No, sir; James Casey, the night-inspector.

Q. Is he any relative of the collector?—A. No, sir; the same name only.

By the CHAIRMAN:

Q. Why did not you ask for or claim a part of the proceeds?—A. I never went after it, because I found there was too much trouble in getting anything out of it, so I let it alone. I did not look after it.

Q. What sort of trouble do you mean?—A. The trouble is that you have to sign so many papers, and, in fact, even then, I do not know whether I would get it or not. The way he got his was, he sold it to somebody who could collect it.

Q. Did you feel that you were entitled to your share of the proceeds under the law?—A. Yes, sir; but it is their duty to give you notice to that effect, when the goods are sold and the proceeds sent on to Washington. Then I suppose the money comes back again. I never got any notice of when it was sold or anything of the kind.

Q. Who was the officer that attended to the sale of these seizures?—A. I do not know as any officer has to attend these sales, except the man that is in No. 1 warehouse in the custom-house. The goods are sold out of there. They are put in there and sold.

By Mr. NEW:

Q. Who takes charge of the proceeds of the sale?—A. I do not know.

Q. Do you know that these goods were sold?—A. I do not know.

Q. Do you know from information how much was realized out of the goods?—A. I do not. I know from information the horse and wagon had been sold publicly in the custom-house; but about the goods I could not say.

Q. Do you know how much the horse and wagon brought?—A. I heard \$125.

Q. What was the probable value of the goods?—A. I do not know that. I could not tell.

Q. What is your best judgment as to the value of the goods?—A. My best judgment of the value of the goods is about \$700 or \$800.

Q. What is your best judgment as to what the goods would bring at such a sale?—A. They would bring, I suppose, in the neighborhood of \$400 or \$500; if they brought half of what they were worth, that would be it.

By Mr. REILLY:

Q. You were not entitled to any premium on account of any seizure you participated in?—A. I suppose I was entitled to a premium there, but I did not get it.

By Mr. CONGER:

Q. The sales in each case are made by the United States marshal, are they not?—A. I do not know who makes the sales; I never was there at a sale in my life-time, or during the time I was in the custom-house; I could not tell.

Q. If goods seized amount to over \$500 in one seizure, they are then libeled and the case is then tried in court?—A. I believe it is.

Q. And if they amount to less than \$500 in one seizure, they are then condemned and sold by the marshal?—A. Yes, sir; I believe that is the way.

Q. After the payment of duties and costs, the balance of the money, if there is any, is divided into parts, of which there is a part forfeiture, a part to the collector, and a part to the informer?—A. Yes, sir.

Q. And these arrangements for distribution are made at Washington, and not by the custom-house here?—A. I suppose it is; I think so.

By Mr. NEW:

Q. What would have been your part or proportion of the proceeds of the goods sold?—A. I do not know.

Q. Had you ever participated in a seizure before?—A. No, sir.

Q. Have you since?—A. No, sir; I have in a trifle that my men had seized; I did not seize it.

Q. You did not make the first discovery as to the horse and wagon?—A. No, sir; Inspector Casey had discovered the horse and wagon.

Q. Who discovered the rest of the goods seized?—A. I did, because I had the privilege of going aboard the vessel and looking for things.

Q. Have you ever suggested to Casey that you ought to have a part of that?—A. No, sir; I never said a word to Casey about it.

By the CHAIRMAN:

Q. Did you ever say anything to anybody about it, to the effect that you ought to be paid a part of this seizure?—A. Yes; I made a remark that I thought I was entitled to a portion.

Q. Did you ever apply to anybody for that?—A. No, sir; I did not.

Q. Did you feel that you would like to have the money due you for your services?—A. Yes, sir; but I did not feel like bothering them, because I know that the rules and the law is that they send you a notice that there is so much money for you, and for you to come and get it.

By Mr. NEW:

Q. You thought if they wanted to let you have any they would let you know?—A. Yes, sir.

By the CHAIRMAN :

Q. Had you heard complaints from other officers, who had had claims for the proceeds of seizures, that they could not get paid, or that there were difficulties in the way, and was that a reason why you did not urge your claim?

Q. You said you did not claim because there was so much trouble about it; what gave you to believe that there would be trouble about it, and what did you think those troubles were?—A. The troubles were, I suppose, you would have to go so many rounds with these men going backward and forward, and they putting you back from one day to another. I heard that Mr. Casey had sold his claim to other parties because he could not get the money himself.

Q. Do you know who the other parties were that bought Mr. Casey's claim?—A. No, sir.

Q. Did he tell you how much he sold it for?—A. No, sir; I never asked him.

Q. Do you know whether anybody besides Mr. Casey was entitled to receive anything in this seizure?—A. Yes, sir; the man who told him about the horse and wagon is, I suppose, entitled to some of it.

Q. Who is he?—A. He is a watchman at the elevator; I do not think of his name now.

Q. Do you know whether he ever got anything?—A. I heard so.

Q. Did he tell you so?—A. No, sir.

Q. Did you ever hear him complain he was not getting his share?—A. I did not.

Q. Did you ever complain to people that you did not get your share?—A. Yes, sir; I complained; I made the remark that I thought I was entitled to a share.

By Mr. NEW :

Q. Who did you make that remark to?—A. I made it to one of the inspectors on the levee.

By the CHAIRMAN :

Q. What do you suppose has become of your share?—A. I do not know; I do not know if I was to get any or not.

Q. You said you discovered all the wine?—A. Yes, sir.

Q. Who discovered the cheese?—A. Mr. Casey discovered the cheese and the horse and wagon.

Q. Before you discovered the wine?—A. Yes, sir.

Q. Where do you suppose your share is?—A. I do not know.

Q. You never got it?—A. No, sir.

Q. And you never sold it?—A. No, sir.

Q. And never receipted for it?—A. No, sir.

By Mr. CONGER:

Q. And you do not know you are entitled to have it?—A. I am not certain I was entitled to have it; I thought I was.

By the CHAIRMAN :

Q. Are you certain you made the discovery of the wine?—A. Yes, sir; I am.

Q. If your share had been offered to you would you have taken it?—A. I would, undoubtedly.

Q. Would you have taken it if you were not entitled to it?—A. I do not know.

Q. But you felt you were entitled to it?—A. Yes, sir.

Q. And you feel so now?—A. Certainly I do.

By Mr. CONGER:

Q. The discovery of the wine was a continuation of the same smuggling on the same boat?—A. Yes, sir; it was.

Q. So the wine was not the first discovery of that boat's smuggling?—A. No, sir.

By Mr. NEW :

Q. Did any of these folks that you have referred to contend that you were not entitled to any part of the proceeds?—A. No, sir; they did not.

By the CHAIRMAN :

Q. Do you know whether this was reported as one seizure, or more?—A. It was reported as two.

Q. And you claim to have been the discoverer in one of those seizures?—A. Yes, sir.

By Mr. CONGER:

Q. The law provides that the person entitled to a part of the forfeiture shall make his claim and a statement of it, and send it formally to Washington in each case, as in every other business transaction of the Department?—A. I do not know about that. I know you write out your statement that you have seized so-and-so, and leave it in

the surveyor's office, and you deliver the goods in the store-room. Then the surveyor's office is supposed to give you notice, or perhaps somebody else in the building does; I do not know who it is. They are supposed to send you round a certificate for you to sign, and then, after you have signed, in a week or two may be, you are sent for.

By the CHAIRMAN :

Q. Did you make your statement?—A. I made the statement in the surveyor's office. I never got any certificate to sign.

Q. You never got the money?—A. No, sir; the certificate has to be signed first.

Q. Are you familiar with the laws in connection with seizures?—A. No, sir.

By Mr. CONGER :

Q. If it was sold by order of the court it has to wait trial of the case, condemnation, sale, report to the Secretary of the Treasury, and his adjustment of the amount, has it not?—A. I think so.

NEW ORLEANS, *June 5, 1876.*

GEORGE W. RUEFF sworn and examined.

By Mr. REILLY :

Question. You are a resident of this city?—Answer. Yes, sir.

Q. How long have you lived here?—A. I have lived here since '58.

Q. What is your present residence?—A. I reside at the corner of Chartres and Montague.

Q. What is your business?—A. For the last twelve years I have been with Mr. Bonzano, a custom-house broker.

Q. Does your business bring you a great deal in contact with the custom-house employés and officials?—A. Yes, sir, it does.

Q. How often do you have occasion to visit the custom-house?—A. As often as I am sent in there.

Q. How often is that?—A. Every day; probably ten or fifteen times a day sometimes, and sometimes not more than twice in three days; either I go or the boys I have under me.

Q. Have you any knowledge, or have you heard any of the persons employed in the custom-house say anything about contributions of money for political purposes?—A. I know no more about the assessments for political purposes than rumor. I have heard it rumored that they are so assessed. I might have heard that from some of the officials themselves; I have no certain knowledge of it.

Q. Have you ever heard any person employed in the custom-house make a statement to that effect?—A. I might have heard people saying that they have been taxed, but it is not anything that concerns me at all, and I have not made any inquiries about it. It is my business to attend to the office of Mr. Bonzano, and it is of course to my interest to look after it; I am no politician.

Q. You are a gentleman of intelligence and character, and I take it for granted if you have any information of the kind, you will cheerfully give it.—A. I suppose they pay assessments.

Q. Have you heard any persons employed in the custom-house say anything about being assessed for political purposes?—A. I may tell you that I am told by some of the employés that they pay assessments, but it is impossible for me to give you their names; I do not recollect them.

Q. Do you mean to say, as a fact, that you did hear it from employés?—A. I have heard it from employés.

Q. What did you hear them say?—A. I could not tell you how much, or whether it was monthly or not; I recollect one man, named Marsh, saying so.

Q. What is his given name?—It is either J. S. or J. M.

Q. What did you hear him say?—A. He was discharged. At one time he came to our office, and, in the course of conversation, he said he did not like to be assessed and he would not pay it. I never asked him how much he was assessed or anything about it.

Q. Did he say how much he was assessed?—A. No, sir.

Q. Did he say for what purpose?—A. For political purposes.

Q. When was this?—A. I cannot remember the exact time. It was a short time after his discharge.

Q. How long ago was that?—A. It is between two and three years.

Q. Is Marsh in the city now?—A. I do not know.

Q. Do you know where he lives?—A. He told me at the time that he was going to Chicago, and he came to see us occasionally. He had to pass a portion of our interest. If there were errors in our statements, he would return them to us and say, "You have made an error and must certify it."

Q. What position did he hold in the office?—A. He was calculator.

Q. Do you remember any other persons who were employed in the custom-house making any statement of that kind?—A. I would tell an untruth if I gave the name of any person in particular; I cannot say. As I have stated to you, I have heard it, but, as I am no politician, I do not ask them where they are employed, or if such and such things happen in the office or anything of the kind.

Q. You have, however, held a position that gave you opportunities to hear them talk?—A. I might have heard more if I had asked, but it is not my business to do so. The high officials would not like me to make inquiries from the subordinates in matters that did not concern me.

Q. I simply ask you if you have heard it.—A. I repeat, I have heard it.

Q. From employés?—A. From these employés, and I might have heard it from others, but I cannot give names.

Q. Were you ever present when any employés of the custom-house were being paid?—A. Very often.

Q. Did you, upon any such occasion, see a deduction made from their compensation?—A. I have seen them at certain times paid off in checks, and I have seen pencil-marks made on the checks; I cannot say it was for political purposes or for what purposes it was; but I can say this much, that it was in the time of the campaign, so I supposed it must be for political purposes.

Q. Have you seen, upon these occasions, any amount of money paid to them less than the full amount of their wages?—A. I do not know the amount of their salaries; I have seen no more than the pencil-marks on the face of the checks.

Q. What did you understand those pencil-marks to mean?—A. I understood the pencil figures on the face of the checks were for political purposes.

Q. What was there about it that induced you to think so?—A. Because Mr. Marsh called my attention to it.

Q. To these figures on the face of the checks?—A. No, sir; he simply said he would not submit to having deductions made on his pay-roll for any campaign, or something of that kind.

Q. Did you hear the men, when they were being paid, say anything about their receiving less than their full salary, or did you notice that they got less than the face of the check?—A. I did not. I never asked any one any questions while I was present, paying the cashier any duties; I never asked them, "How much do you get?" or "How much is deducted out of your wages?" I only knew this: that Mr. Marsh, at the time, told me that he expected to be discharged, or was going to leave, as he would not stand a deduction on his wages for the support of any campaign. He was a cripple and an old man.

Q. Did he say how much he was assessed?—A. No, sir; I tell you I did not ask him. I have no intimate friends in the custom-house.

Q. On these occasions when you were there and saw the employés paid, would there be pencil-marks on the checks when the employés presented them to the cashier, or would the cashier make them?—A. I do not know by whom they were made.

Q. Were they on it when you saw the check presented?—A. When I was present, paying duties, he made the officers wait and attended to the importations in preference; he did that, as a general rule.

Q. Was there any memorandum made on his books about it?—A. I do not know how he keeps books.

Q. Did you see him make any memorandum at the time he paid those checks?—A. He might have looked over a sheet of foolscap which he had on his desk, behind his screen.

Q. Can you say, in the case of any employé whom you saw being paid, that any amount of his wages was retained?—A. I cannot.

Q. What transpired, then, in your presence that induced you to believe that these were deductions for political purposes?—A. My belief was this: as this old employé at the time said that they made assessments on the pay-roll, as a matter of course I thought that the time of making deductions was whenever they were paid their wages.

Q. Was there no particular part that strengthened that in your mind?—A. No, sir; I do not remember that the cashier said to any of them that so much was to be deducted; I suppose they must have been informed of that when they got their checks.

Q. As a matter of fact, do you know whether anything was retained, or have you reason to believe from anything that took place in your presence that anything was retained?—A. I have never asked any one how much was retained; I thought it would be too delicate a matter to ask how much they had to pay.

By Mr. CONGER:

Q. This conversation with Marsh was three or four years ago?—A. It must be between two and three years ago.

Q. Did you know that Mr. Marsh was appointed at that time to a position drawing less pay than the one he had had before?—A. He told me his wages had been reduced.

Q. Do you know that he appealed to the Secretary of the Treasury to have them raised again?—A. I do not know.

Q. You did not hear him say anything about that?—A. No, sir.

Q. Did he say his friends were trying to have him put back at the same wages he had before?—A. I do not know that. He told me that he expected a position in the Chicago custom-house.

Q. You remember his saying that his pay was reduced?—A. He complained to me that his pay was reduced.

Q. And was not the trouble that they had cut down his pay from what it had been before? Was not that it instead of that he was being assessed?—A. I do not know whether he mentioned those two incidents at one time.

Q. Was not he an old man?—A. He was an old cripple.

Q. Did not you hear him say that he was reduced because it was thought he was unable to perform the duties of the office that he had held and was therefore put in a position with less pay?—A. No, sir.

Q. Did not he say he was going to have another place, the duties of which he could fulfill?—A. After he was discharged, he told me he had a position in Chicago—either that or that he had a brother-in-law there.

Q. Is not Mr. Farwell in Chicago his brother-in-law?—A. I do not know; he left his direction with me, which, I suppose, I have in the office.

By Mr. NEW :

Q. Was the reason that you thought there had been an assessment for political purposes or that the pencil-marks you saw upon those checks indicated something of the kind, because of what this old man said to you, and also of the further fact that you saw these pencil-marks there during a political campaign?—A. Yes, sir.

NEW ORLEANS, *June 5, 1876.*

DONALD McMICKLE sworn and examined.

By Mr. REILLY :

Question. Where do you live?—Answer. In this city; 319½ Liberty street.

Q. How long have you lived in this city?—A. I have been here about twenty-eight years.

Q. State whether or not you have ever been employed by the United States Government in any capacity.—A. Yes, sir; I have been employed as a deputy marshal, and I was also employed on what they call the post-roll in the custom-house.

Q. When were you deputy marshal?—A. 1873 or 1874; I forget which.

Q. When were you employed on the post-roll in the custom-house?—A. In the fall of 1870.

Q. What was your compensation then?—A. They told me \$93 a month, but they took off 3 per cent. of it.

Q. How long were you employed in 1870 on the post-roll?—A. I should have had three months' pay according to promise, but I never received but two months' pay; at least, I received one month's pay in the building, and then I sold my claim of two months' pay for \$150.

Q. That was two months, at \$93 a month, for \$150?—A. Yes, sir.

Q. State to the committee what your duties were while you were on this post-roll receiving this pay during those three months.—A. I did not perform any duties in the building, or any duties among the shipping. I was sent to the different supervisors from Canal street to Toledano, embracing the first and fourth districts.

Q. What were they supervisors of?—A. They were supervisors of the registration of voters, or you might call them the supervisors of election.

Q. Were these persons in the employ of the United States Government?—A. No, sir; they were in the employ of the State government.

Q. They were registrars of voters for the State government?—A. Yes, sir.

Q. What did your duties consist of?—A. My duties consisted of watching these men and telling them what to do. Certain individuals used me, I believe, as a kind of inspector for two or three of those supervisors.

Q. Did that comprise all of the duties that you rendered?—A. No; I rendered some other duties. When there would be a clerk absent I would take his place.

Q. The clerk of the supervisors?—A. Yes, sir; when the supervisor's clerk was absent I would act in his place for a day, may be.

Q. What services did you render the United States Government?—A. I rendered none that I know of.

Q. What time in 1870 was this?—A. September, October, and November.

Q. When did you receive your first month's pay?—A. I would not be positive, but it strikes me it was the latter part of November; I must have received it the 1st of December, I think, but I would not be positive which it was.

Q. Was that pay for the month of September?—A. Yes, sir.

Q. Where were you paid?—A. In the custom-house.

Q. By whom?—A. Felix Herwig.

Q. How much?—A. I was paid \$93, less 3 per cent.

Q. Why was the 3 per cent. taken off, or was there no reason given?—A. I do not recollect positively about that, but they told me it was usual, or was used for election purposes, or something of that kind.

Q. Who was Felix Herwig?—A. Deputy collector.

Q. Did you give any receipt, or sign any voucher or pay-roll, or anything of the kind?—A. Yes, sir; I signed a voucher; I think that is what you might call it; it is a piece of paper pretty much the size of that book, [an octavo,] with the amount on it filled up; it was a printed blank form.

Q. When did you receive the \$150 for which you sold your claim?—A. I received that somewhere about the 15th December.

Q. Who did you sell those two months' wages to?—A. I sold them to B. P. Blanchard.

Q. Who was Blanchard?—A. He was State register of voters.

Q. When he gave you the \$150 what did you give him as evidence that you were entitled to those two months' pay?—A. I gave him an order on Mr. Herwig; Mr. Herwig had assured me I would be paid two months more on the pay-roll, and Mr. Blanchard responded for my pay. He said he knew Herwig would pay me. I said, "If you know he will pay me, give me \$150 for those two months;" he said, "Yes, I will, if you give me an order for it." Then he or his clerk wrote an order and he signed it.

Q. Did you sign any other papers at that time—vouchers, or pay-rolls, or anything of that kind, for those two months?—A. No; after that, some time in January, 1871, I signed one of those blank vouchers. Blanchard brought it to me, up town, and told me if I would sign it he could get another month's pay.

Q. Blanchard told you this?—A. Yes; he brought it to me and I signed it for him.

Q. You gave it to him?—A. Yes, sir.

Q. And you do not know what became of it afterward?—A. No, sir.

Q. How did you come to be on this post-roll; what was the condition or the inducement?—A. Mr. Blanchard told me he wanted to put me to work. I told him, "Very well; that is what I am looking for," or something like that. He said, "I will put you to work next week;" so, when Monday morning came, I reported to him and asked him what he wanted me to do, and he told me what I said.

Q. What did he say?—A. He told me he wanted me to go among the supervisors. He did not tell me anything special about what I was to do. I said, "What about my pay; how will I be paid?" "Well," he says, "you are put on the post-roll in the custom-house." I did not know anything about the post-roll; it was the first time I ever heard of it. I did not know what it amounted to, any more than that I was satisfied to go to work on those conditions. That was about all of the instructions Mr. Blanchard ever gave me. After I got to work, I got all my instructions from Mr. Herwig.

Q. That is Felix Herwig, the deputy collector?—A. Yes, sir.

Q. Why did he give you any instructions to watch these supervisors of registration?—A. He was a candidate for the State senate.

Q. At this same time?—A. Yes, sir.

Q. Had he received the nomination?—A. Yes; the nomination was made in July or August, I reckon; I do not recollect when, exactly.

Q. Was he elected?—A. Yes, sir.

Q. What did Mr. Herwig tell you to do?—A. Well, he told me to watch a man in the First ward and a man in the Second ward very carefully, and to see that they did things in a certain manner, and in the way he told them to do them.

Q. What things were these men to do in a certain manner, and that you were to see were done?—A. They were to issue false registration-papers; that was the main issue.

Q. Who were these supervisors of registration?—A. Murphy, of the First ward, and Davis, of the Second ward.

Q. Those were the two wards you were to look after?—A. Yes, sir.

Q. Are these the men for whom you acted sometimes as clerk when their clerks would not be present?—A. Yes, sir; and sometimes in the fourth district, too.

Q. Did you obey your instructions?—A. I did.

Q. Did you see that these papers were made out?—A. I watched the books, and saw that it was done.

Q. Did you assist in it?—A. I never assisted in making any of the papers.

Q. Do you know how many false registration-papers they issued?—A. They issued in the First ward 260 odd; in the Second ward, I am not positive about the number, because I do not recollect, but it was something in the neighborhood of 300.

By Mr. STEVENSON:

Q. By whom were they issued?—A. They were issued by the supervisors themselves.

By Mr. REILLY :

Q. When you say "issued" you mean "made up?"—A. I mean they were put on the books and papers made out.

Q. So that persons in those names could vote, no matter what their name was?—A. Yes, sir; they could vote, with those papers, any person they chose.

By Mr. STEVENSON :

Q. Was that done, as a matter of fact, at the election?—A. The vote of the two wards showed it.

Q. The vote showed that those votes were included?—A. Yes, sir.

Q. Did you ever give a check for more than three months' pay?—A. No, sir.

Q. You only remember signing two of these vouchers altogether, one for the first month, when you were paid \$93, less 3 per cent., and the one you signed for Blanchard, when he said he could get another month's pay if you signed another?—A. Yes, sir.

Q. You know nothing about the vouchers for the \$150 that you sold your claim for?—A. I know nothing further about that; I do not know whether he got any more money or not.

Q. You simply gave an order for it?—A. For two months' pay, at \$93 a month.

Q. And that order was addressed to Mr. Herwig, deputy collector of the port?—A. Yes, sir; that is my recollection of it now.

By Mr. CONGER :

Q. Do you say positively that it was addressed to Mr. Herwig, deputy collector of the port?—A. That is my impression now; I might be wrong.

Q. Herwig was one of the committee to run the election, and a candidate, besides, was not he?—A. He was a candidate.

Q. Was not he one of the committee that managed election affairs?—A. Yes, sir; what they call a campaign committee.

Q. Who were the other members of the committee?—A. General West is one; I disremember the balance.

Q. Was Dr. Southworth one?—A. Yes, sir.

Q. Was John Lynch one?—A. I do not recollect.

Q. Where did they have their office?—A. Their office is on Baronne street.

Q. Not in the custom-house?—A. No, sir.

Q. Your connection with Herwig, then, and these other men was as members of the campaign committee, was it not?—A. No, sir.

Q. How then?—A. My connection was entirely with Mr. Herwig and Mr. Blanchard. I was in this campaign committee, I think, twice. One night I went in was after registration closed; I worked the biggest portion of the night in collecting tickets.

Q. Your agreement was with Mr. Herwig and Blanchard, as chairman of the campaign committee?—A. No, sir.

Q. Was Blanchard in the custom-house?—A. No, sir.

Q. As far as he was concerned, he had nothing to do with the custom-house?—A. Not that I know of.

Q. Was the voucher that you signed a custom-house paper?—A. Yes, sir.

Q. Do you remember what was printed on it?—A. I do not.

Q. Was there anything about the custom-house on the paper?—A. The word "custom-house" was on it, I am sure, printed in capital letters.

Q. Did you read it?—A. I did, but I have forgotten the contents of it.

Q. Did it purport that you were an officer?—A. It purported I was on some kind of a post-roll.

Q. What kind of a post-roll? Is there any such roll as that in the custom-house?—A. You hear a heap about it on election times.

Q. Is there any such roll as is called a post-roll among custom-house employes?—A. I do not know the roll and cannot tell you what the post-roll is; I know there is a great deal of talk always about the post-roll and men being put on it. I do not myself know any more about it than a two-year-old child.

Q. You do not know it is a custom-house office?—A. I know this: I know I went in there and drew money, and they told me I was on the post-roll; Mr. Herwig and Mr. Blanchard told me so.

Q. Where did you draw the money?—A. In the custom-house.

Q. At what place?—A. In Mr. Herwig's office.

Q. How was it paid you?—A. It was paid to me by Mr. Blache.

Q. Was it paid in money?—A. Yes, sir.

Q. On what? Did you have a check for it?—A. No, sir; it was paid to me in money.

Q. On whose order? Who told Blache to pay you?—A. Mr. Herwig.

Q. Did you give Blache any order for it?—A. I signed this voucher.

Q. You signed this voucher or paper and then the \$93 was paid to you?—A. Yes, sir; \$93, less 3 per cent.

Q. Did you sign the paper for \$93?—A. There was \$93 on the face of the order; it was paid to me, less 3 per cent.

Q. You received only \$90?—A. Yes, sir; if \$90 is \$93 with 3 per cent. off.

Q. In which office of the custom-house did you receive this pay?—A. I received it in the office that I have been in to see Mr. Herwig three or four times; the office is known as his office.

Q. Is it his own personal office?—A. He pulled out a drawer on his table and took this thing out; there was a gentleman with me by the name of Long; he thought he was on the post-roll, but Herwig said his name was left off in Washington City. He said to me, "Mac, we have got a month's pay here for you." I told him I wanted the same pay that the supervisor of registration got, and he told me to make no fuss about it; that I should have two months' more pay.

Q. You say he pulled open his drawer and took out this paper?—A. Yes, sir.

Q. And you signed it?—A. I refused at first to sign it from the fact that I was not being paid what I thought was due me; I signed it only after I was assured that I should have two months' more pay.

Q. After you signed it, what took place?—A. I got my money.

Q. What about Mr. Blache?—A. Mr. Blache counted the money to me.

Q. Is Mr. Blache in the same office with Herwig?—A. I do not know where he sits—whether he sits in the office or where he sits.

Q. Did you get your money in Herwig's office?—A. I got it in Mr. Herwig's private office.

Q. And Mr. Blache was the man that paid it to you?—A. He pulled out another drawer, and counted the money to me by Herwig's order, in Herwig's office.

Q. Then you were not paid by the cashier of the custom-house at the cashier's office?—A. I do not know who the cashier of the custom-house is; I do not know him, unless Blache is the man.

Q. The money was taken out of a drawer in Herwig's private desk?—A. Yes, sir.

Q. And not at the general counter outside, where they usually pay?—A. That is the only money I ever saw paid in the custom-house; I do not know whether it was the pay-office or what it is; I supposed it was the pay-office, from the fact that they paid me.

Q. You understood that you were overlooking this registration matter on Herwig's account, because he was running as State senator, and wanted it done?—A. Yes, sir.

Q. What are the full names of those men who were supervisors in the First and Second ward?—A. Joseph P. Murphy, and William Davis; I think Davis's middle name is L.

Q. You say they prepared and used false registration-papers?—A. Yes, sir.

Q. In a State election?—A. Yes, sir; at least, they told me they used them; that is all I know.

Q. Are they in the city?—A. They were a few days ago.

Q. Blanchard that you spoke of was a State officer?—A. Yes, sir.

Q. Was he a candidate in that election?—A. No, sir.

Q. What was his office?—A. State register of voters and supervisor of registration for the parish of Orleans.

Q. Your duties, whatever they were, were connected with the State election?—A. Yes, sir.

Q. And not with any United States election?—A. No, sir, unless you would call so the instructions I received from a United States officer, who was a candidate for a State office.

Q. He happened to be a United States officer, but he employed you to work for him as a candidate in a State election?—A. Yes, sir; that is, he did not employ me; Mr. Blanchard employed me.

Q. He gave you the instructions?—A. Yes, sir.

By Mr. NEW :

Q. Was there a general election, in which candidates for Congress were elected?—A. Yes, sir.

NEW ORLEANS, June 5, 1876.

PETER E. BECHTEL sworn and examined.

By Mr. REILLY :

Question. What is your business?—Answer. I am secretary of the Sanitary Excavating Company.

Q. Is that a chartered corporation?—A. It is chartered by the State.

Q. Are you engaged in any other office?—A. No, sir; not just now.

Q. How long have you held that position?—A. I have held that for over a year.

- Q. Is it a position that occupies most of your time in attending to the duties of it?—
A. No, sir; not the most of my time.
- Q. Is it a salaried position?—A. The salary is not fixed.
- Q. Have you ever been employed in the custom-house?—A. Yes, sir; I have.
- Q. Tell us the time you were employed there?—A. I was employed in the custom-house from 1863 to 1876, at different times; I have been under George P. Dennison, Mr. Kellogg, Perry Fuller, and J. F. Casey.
- Q. Have you ever held any State positions?—A. I have held a position in the legislature, which I hold now.
- Q. What is that?—A. Secretary of the senate.
- Q. When were you last employed in the custom-house?—A. I was last employed in the custom-house from the 15th to the 31st March, 1876.
- Q. Were you engaged in any other business during that time?—A. I have a lottery-agency here in the city; I have a clerk attending to that.
- Q. Were you also secretary of this excavating company at the same time?—A. Yes, sir; that is all private business.
- Q. Have you ever been employed in the custom-house at any time when you held any other position?—A. No, sir.
- Q. For instance, during the time you were secretary of the senate?—A. I resigned on the 31st December and went into the legislature, and the soonest I have ever been re-appointed was the 15th March. Previously to that I went back to the custom-house in April, and it was once as late as October.
- Q. When your duties as secretary of the senate actually required your attention, you would give up your position in the custom-house?—A. I had to give it up.
- Q. And when you were relieved of your duties as secretary of the senate, you were sometimes re-instated in the custom-house?—A. That is it.
- Q. Have you been engaged in the duties of this excavating company at times when you were in the custom-house?—A. I generally work at night at it; I kept the books.
- Q. Out of office-hours?—A. Yes, sir.
- Q. Do you know any persons in the custom-house who were also in the employ of that company?—A. No, sir.
- Q. Do you know Larry Sweeney?—A. I do.
- Q. Was he ever employed in the custom-house?—A. No, sir; not to my knowledge; he is employed by the company, and paid by the company.
- Q. Do not you know that he is employed at the custom-house?—A. I do not know anything of the kind.
- Q. Do you know a man by the name of O'Brien?—A. No, sir.
- Q. Is there a man by that name in the employ of the excavating company?—A. Not that I know of.
- Q. You have been appointed from time to time in the custom-house?—A. Yes, sir; I have got the dates in my book.
- Q. But you say that at no time when you were so employed were you engaged in any other business that divided your attention?—A. No, sir.

NEW ORLEANS, *June 5, 1876.*

THOMAS EWING CRANBER sworn and examined.

By Mr. NEW :

Question. What is your occupation?—Answer. I am now in the weigher's department of the New Orleans custom-house.

Q. How long have you been in the weigher's department?—A. About two years.

Q. Are you also employed by the Saint Louis and Chicago Railroad Company?—A. No, sir; I am not.

Q. Have you been during the last two years?—A. Yes, sir.

Q. Were you in that employ while you were a deputy weigher in the weigher's department?—A. I was.

Q. What services did you render while a deputy weigher to the custom-house, and at the same time what were you doing in the employ of the Saint Louis and Chicago Railroad Company?—A. I worked when I had anything to do in the weigher's department. I weighed all the salt that came into the port, or at least 10 per cent. of it, which is what the law says.

Q. Did you actually render any service to the Government?—A. Yes, sir; the book shows it. I had five ships in one week.

Q. So that you actually discharged the duties of both positions?—A. Yes, sir.

Q. You were a deputy weigher during 1875 constantly?—A. Yes, sir. Whenever they had any ships in of that kind to weigh, I got notice always and went and weighed them myself.

Q. Where would you receive this notice?—A. In the weigher's department.

By Mr. REILLY:

Q. How were you paid—by a salary or by the piece?—A. I was on a salary.

Q. You were receiving your salary at the same time that you were in the employ of the railroad company?—A. Yes, sir.

Q. What were your duties with the railroad company?—A. To find out if you, or General Gibson, or anybody else were going to New York, and try to get them to go over the Jackson Railroad. If I could, I would get them to do so, by all means.

By Mr. CONGER:

Q. Your duties for the railroad company consisted in exchanging social courtesies with gentlemen you met, by which you would induce them to travel on your road?—A. Yes, sir. If I could hold out any inducements to them to go that way, I would certainly do so.

Q. Did it conflict at all with your duties as a custom-house officer?—A. Not the least in the world.

Q. Your natural suavity of manner was made use of to make people travel on that road?—A. Yes, sir.

NEW ORLEANS, June 5, 1876.

JOHN DALEY sworn and examined.

By Mr. REILLY:

Question. Where do you live?—Answer. In this city.

Q. How long have you lived in this city?—A. I was three years old when I came here.

Q. Lived here all your life since?—A. Yes, sir.

Q. What is your business?—A. Stone-cutter.

Q. Have you been employed by the United States Government in the construction of public works?—A. No, sir; I have been employed by Mr. Hannon.

Q. Have you worked on public buildings of the United States?—A. Yes, sir.

Q. What buildings have you worked on in this city?—A. The United States custom-house.

Q. Any others?—A. No, sir.

Q. When were you employed working at your trade in the custom-house?—A. In 1873.

Q. How long were you at work there?—About three months, in 1873.

Q. That was at your trade?—A. Yes, sir.

Q. If there was any difficulty about your pay, state what it was.—A. I have signed blank pay-rolls all the time, and I got at the rate of \$2.50 a day; and I have seen the rolls filled for \$3 a day.

Q. Where did you sign these blank pay-rolls?—A. I have signed them at Kurscheedt & Bienvenu's store.

Q. And at the time you signed them they were in blank?—A. Yes, sir.

Q. What was the shape or form of these pay-rolls that you signed?—A. It was a large sheet of paper, something like that, [showing a pay-roll.]

Q. Made up in that style?—A. Yes, sir.

Q. Was there any writing at all on it?—A. My name.

Q. Was the number of days on it?—A. No, sir.

Q. Or the amount of wages?—A. No, sir.

Q. Nothing of that kind?—A. No, sir.

Q. That was at the time you signed it?—A. At the time I signed it.

Q. Were you paid at the same time you signed it?—A. Yes, sir.

Q. When you would sign your name you would get your money?—A. Yes, sir; sometimes I would not. It might be a day or two after in some months.

Q. Where did you see these pay-rolls afterward filled out for larger amounts than you received?—A. Before the grand jury.

Q. In this city?—A. Yes, sir.

Q. When?—A. I believe it was the week before last.

Q. Did you recognize your signature?—A. Yes, sir.

Q. And they were the same pay-rolls that you signed?—A. Yes, sir.

Q. How many places did you see your signature in these pay-rolls before the grand jury?—A. I only saw one.

Q. And in that one it was filled out for \$3?—A. Yes, sir.

Q. And you had been paid for the same time only \$2.50?—A. Yes, sir; that is, per day.

Q. Who had this pay-roll before the grand jury?—A. I believe Mr. Kinsella had it.

Q. Who is Mr. Kinsella?—A. He is special agent—special detective, I think.

Q. Of the United States Government?—A. Yes, sir.

Q. Was this one pay-roll that you saw for all the time you worked at the custom-house or for only one month?—A. For only one month.

Q. Did you see the other pay-rolls for the other months that you worked there?—A. No, sir; I did not see no pay-roll for 1873 at all there. The roll I saw was for 1874.

Q. That is the one where you saw this difference?—A. Yes, sir.

Q. How many months, in 1874, did you see it?—A. For only one month, and only one sheet.

Q. These pay-rolls are made out each month separately by itself?—A. Yes, sir.

Q. Can you tell what month in 1874 this pay-roll was for that you saw?—A. No, sir; I did not notice.

Q. Who employed you to work on this building?—A. Mr. Hannon.

Q. Who was Mr. Hannon?—A. He was the foreman for Kurscheedt & Bienvenu.

Q. How many men were employed at the same time you were at work on this custom-house; about how many, as near as you can tell?—A. When I first started, I believe there were about ten or twelve. They increased them after.

Q. Ten or twelve stone-cutters?—A. Yes, sir.

Q. Did you see the names of any other men on this pay-roll that you knew worked with you at this custom-house?—A. Yes, sir.

Q. Do you know of any difference between the amounts which were on the pay-roll for those names that you saw, and the amount that they received?—A. Yes, sir.

Q. What was the difference?—A. There was one man that got \$2 a day whose name was down for \$3 a day.

Q. What was his name?—A. Mr. Burke.

Q. Where does he live?—A. I do not know where he lives.

Q. Is he in the city now?—A. Yes, sir.

Q. Did you notice whether there was any difference in the time and the number of days that you worked?—A. No, sir.

Q. I mean, between what was on the pay-roll and what you had been paid for?—A. No, sir.

Q. How did you come to discover or to believe that these pay-rolls were made out for a larger amount than you had been paid?—A. I was told so by a party—that we were entitled to more pay; I knew there were men working there at that time who got more than I did.

Q. How did you come to see those pay-rolls before the grand jury?—A. They showed them to me.

Q. What brought you there; were you a witness?—A. Yes, sir.

Q. During all the time that you were paid there, at what rate were you paid?—A. At \$2.50 per day.

Q. And you do not know for what amount the pay-rolls were made out, except in this one instance that you saw it?—A. Yes, sir.

Q. That is all you know?—A. That is all I know.

Q. You do not know whether the pay-rolls for the other months you worked there were made out at the same amount you worked for or a greater amount?—A. No, sir.

Q. Has any person been to see you about testifying on this subject before the committee?—A. No, sir.

Q. No person has made any proposition to you?—A. No, sir.

Q. About your testifying or not testifying?—A. No, sir.

Q. How long a time altogether had you been at work on this building?—A. About 13 or 14 months.

Q. Did you make pretty full time?—A. Yes, sir.

Q. All the months you worked there?—A. Yes, sir.

Q. During the month you worked pretty steadily, all the working-days?—A. Yes, sir, pretty steady; but not all the time down at the custom-house.

Q. When you worked at the custom-house, I mean?—A. Yes, sir.

Q. Can you remember any heading or anything of that kind that was on these pay-rolls, or what they purported to be?—A. No, sir; I do not recollect; I never noticed them.

Q. Whenever you signed these pay-rolls, while you were at work at the custom-house, was it always upon the same kind of paper and the same form?—A. Yes, sir.

By Mr. CONGER:

Q. Who were you at work for?—A. Mr. Hannon employed me.

Q. Who were your employers; whose job was it?—A. I thought I was working at Government work.

Q. Do you know who had the contract for the work you were doing?—A. No, sir.

Q. Was there any man there that pretended to be in charge of that work?—A. It was afterwards that I heard it was a contract job.

Q. Who did you hear had the contract?—A. Kurscheedt & Bienvenu.

Q. Do you know either of them?—A. Yes, sir.

Q. Are either of them here now?—A. Yes, sir.

- Q. Who?—A. Mr. Bienvenn.
- Q. Where is he?—A. Right behind you.
- Q. You heard afterwards it was a contract?—A. Yes, sir.
- Q. And you were working on that contract?—A. Yes, sir.
- Q. Who paid you?—A. Kurscheedt & Bienvenn.
- Q. You never received any money through the custom-house officers?—A. Yes, sir.
- Q. When was that?—A. Around election.
- Q. Around what election?—A. November, 1874.
- Q. Around election in 1874, you received your wages through the custom-house officers?—A. Yes, sir.
- Q. What custom-house officer?—A. Mr. Morse's office.
- Q. What officer paid you?—A. I do not know his name.
- Q. How much did he pay you?—A. He paid me at the rate of \$2.50 a day.
- Q. Was it for work actually done?—A. Yes, sir.
- Q. Was it for work for Kurscheedt & Bienvenn?—A. Yes, sir.
- Q. How came they to pay you on Kurscheedt & Bienvenn's job?—A. I do not know.
- Q. You did not get any more than you would have got if some one else had paid you?—A. No, sir.
- Q. And you did the work you were paid for?—A. Yes, sir.
- Q. You learned afterwards that you were at work on a job which Kurscheedt & Bienvenn had taken to do by contract?—A. Yes, sir.
- Q. Was that stone-cutting?—A. Yes, sir.
- Q. It was a job of stone-cutting which they had contracted with the Government to do?—A. I do not know whether they contracted with the Government or not; I heard so.
- Q. And they paid you during all of this time for all your work?—A. Yes, sir.
- Q. Did they pay the other men too?—A. Not all of them.
- Q. They paid the other men that were at work with you on their job?—A. Yes, sir.
- Q. The pay-roll you signed was Kurscheedt & Bienvenn's pay-roll?—A. No, sir; it was a United States Government pay-roll.
- Q. What was the heading on it?—A. I don't recollect; it was a Government pay-roll.
- Q. Was there any heading?—A. I know it was a Government pay-roll, but I do not recollect the heading of it.
- Q. How do you know it was a Government pay-roll if you do not recollect the heading?—A. I know the rolls came out of the Government building at the custom-house.
- Q. What was on the pay-roll to indicate what kind of a paper it was?—A. I do not recollect the heading of it.
- Q. Were all the men's names on the same pay-roll?—A. Yes, sir.
- Q. That is, all those that worked for Kurscheedt & Bienvenn?—A. Yes, sir.
- Q. Were there any others?—A. There were some that were paid by the Government all the time on those rolls.
- Q. One roll that you saw was at \$3 a day, when you only got \$2.50?—A. Yes, sir.
- Q. How often were you paid?—A. One time they started to pay us every two weeks.
- Q. Did they pay you every two weeks?—A. Yes, but I do not recollect how long they continued paying us every two weeks.
- Q. Didn't they pay you finally for all your work at \$2.50 a day?—A. Yes, sir.
- Q. You made an affidavit about it, didn't you?—A. Yes, sir.
- Q. What was your affidavit about?—A. About our getting defrauded out of our money.
- Q. How were you defrauded?—A. We ought to get more than we did get.
- Q. What did you agree to get?—A. \$2.50 a day I got when I went to work there.
- Q. And that was your agreement?—A. I was to get as much as anybody on that work.
- Q. Your agreement was that you were to have \$2.50 a day?—A. Yes, sir.
- Q. And you got \$2.50 a day?—A. Yes, sir.
- Q. And then you found that somebody else got more?—A. Yes, sir.
- Q. And you thought you ought to have more?—A. Yes, sir.
- Q. And so you made an affidavit?—A. Yes, sir.
- Q. That is what took this matter to the grand jury?—A. Yes, sir.
- Q. You made a complaint that you did not get as much as you thought you ought to get?—A. Yes, sir.
- Q. And that you did not get as much as some of the other boys did?—A. Yes, sir.
- Q. So you all made affidavits that you did not get as much as you ought to?—A. Yes, sir.
- Q. And Mr. Kinsella helped you to procure it?—A. Not that I know of.
- Q. I thought you said that Mr. Kinsella went before the grand jury?—A. He did go before the grand jury, but I do not know what he testified.
- Q. He did not go for you people, so far as you know?—A. Not that I know of.
- Q. What made you think you would get more than the \$2.50 a day?—A. Because other men did get more.

Q. But you say your agreement was for \$2.50 a day?—A. Yes, but I was told I would get more.

Q. Who told you you would get more?—A. Mr. Hannon.

Q. It was not Mr. Hannon that hired you, was it?—A. That was the man that hired me.

Q. Did he tell you you were to work for contractors?—A. No, sir.

Q. Did he tell you you were to work for these men?—A. No, sir.

Q. He is the assistant superintendent of the custom-house work, is he not?—Yes, sir; he was at that time.

Q. And he was superintending all work, whether it was done by contract or done directly for the Government?—A. Yes, sir.

Q. Did you work for him a while on the building?—A. Yes, sir.

Q. Do you know whether Hannon is employed by the Government at all?—A. He was superintending the stone-work in the building; he had nothing to do with anything but the stone-work that I know of.

Q. You mean that he was foreman of the stone-work, is that it?—A. Mr. Sypher was assistant superintendent.

Q. And your work under these men was only the stone-work?—A. Yes, sir.

Q. Is it right for you to complain, if you got all the money that you agreed to get?—A. I found out that other men were getting more, although I was doing the same work; Mr. Tanney received some more money—\$149, I believe.

Q. Who was Mr. Tanney?—A. He was working there at stone-cutting.

Q. Did he get more than you did?—A. He received this \$149 after he made a complaint about getting more pay.

Q. How much did his pay come to a day after he got this \$149?—A. I do not know.

Q. Did it come to more than \$2.50 a day?—A. I do not know what he was getting a day, but he got \$149 besides. When he got it he was discharged.

Q. Did you, after you made your affidavit, talk any with the men that you were at work for about withdrawing the affidavit?—A. No, sir, I never did.

Q. Was there any talk among those of you that made the affidavit?—A. I do not know.

Q. About withdrawing the affidavit and taking it back?—A. I do not know; I never had any.

Q. Did you never hear of any?—A. Not that I know of.

Q. That matter is now before the grand jury, is it not?—A. Yes, sir.

Q. You do not know what the grand jury have done?—A. No, sir; I did not hear.

By Mr. NEW:

Q. You say you never received more than \$2.50 a day?—A. No, sir.

Q. At any time?—A. No, sir, not at any time.

Q. The pay-rolls to which you have referred with your signature attached to them, and that you saw in the grand-jury room, were made out at \$3 a day?—A. Yes, sir; they were filled out at \$3 a day.

By Mr. REILLY:

Q. Do you know Colonel Morse?—A. Yes, sir.

Q. What was his connection with the building of that custom-house?—A. He was superintendent.

Q. Was he employed by Kurscheedt & Bienvenu?—A. No, sir; he was employed by the Government.

Q. Did he have charge of your work?—A. He had charge of the whole building.

Q. Was there any other person engaged in connection with the work except Mr. Morse that you know of that was employed by the Government?—A. Yes; there was Mr. Sypher.

Q. Did he hold his position under the Government?—A. Yes; I believe so.

Q. What were his duties?—A. Assistant superintendent.

Q. Did he exercise any control over or give any directions to you workmen there?—A. He put a lot of workmen to work there.

Q. Was that at the same time that you were at work there?—A. Yes, sir.

Q. Were they doing the same work that you were doing, or was it different work?—A. It was different work.

Q. What was their work?—A. They were scrubbing on top of the caps.

Q. And you were a stone-cutter?—A. Not at that time.

Q. What were you doing?—A. Some of us were working at polishing. There is a man who only got \$1.75 a day, but he was down for \$3 a day on the pay-roll that was before the grand jury.

Q. Did you see that?—A. No, sir; but he told me so.

Q. What was the name of that man?—A. Philip Beron.

Q. Where is he?—A. He is outside.

By Mr. CONGER:

Q. Some of these men you have mentioned were working for these contractors, Messrs. Kurscheedt & Bienvenu, and some were working directly for Mr. Morse, on the building?—A. No; these men I am speaking of all got paid at Kurscheedt & Bienvenu's store.

Q. This man Beron was working for the contractors?—A. I do not know whether they were contractors or not; that is what I heard.

Q. And they paid him?—A. Yes; at the rate of \$1.75 a day.

Q. They paid you all that they agreed to pay you, so far as you know?—A. I suppose so.

By Mr. REILLY:

Q. Did you men all work ten hours a day?—A. Yes, sir.

NEW ORLEANS, June 5, 1876.

JOHN GIBBONS sworn and examined.

By Mr. REILLY:

Question. Where do you live?—Answer. I reside at the corner of Bolivar and Poydras streets.

Q. How long have you lived in this city?—A. About fourteen or fifteen years.

Q. What is your business?—A. My business is stone-cutting.

Q. Have you ever been employed on any public work erected by the Government?—A. Yes, sir; I have been employed at the custom-house.

Q. In this city?—A. Yes, sir.

Q. When?—A. During 1873, 1874, 1875.

Q. How many months altogether did you work during those years?—A. To the best of my knowledge, during 1873, 1874, and 1875 about thirteen months.

Q. What was your pay during the time you were at work on the custom-house?—A. In 1873 I worked ten hours, and I had to furnish my own tools, and I got \$2.50 a day.

Q. How about 1874?—A. In 1874 I commenced in August; one month I got \$2.50 a day, and from then up to January I got \$2.

Q. How about 1875?—A. In 1875 I got \$2 a day until April; about April or May I was tiling there, and they gave me \$2.25.

Q. Did you sign any pay-rolls?—A. Yes, sir; I signed blank pay-rolls at Kurscheedt & Bienvenu's shop.

Q. They were blank when you signed them?—A. Yes, sir.

Q. Have you ever seen any of those pay-rolls that you signed, afterward?—A. Yes, sir; I have seen them during the last month, when I was before the grand jury.

Q. For what months did you see them?—A. I could not say exactly the months, but I have not seen the pay-rolls for 1873 at all. I have seen the pay-rolls for 1874 and 1875; the 1873 pay-rolls I could not see.

Q. How about the pay-rolls for 1874 and 1875?—A. They were down for \$3 a day.

Q. For how many months that you worked at the custom-house?—A. I worked in 1873 three or four months.

Q. Did you see the pay-rolls for those months?—A. No, sir.

Q. Did you see the pay-rolls in 1874 and 1875?—A. I saw the pay-rolls for 1874 and 1875; I was down for \$3 a day each month that I worked.

Q. And during a portion of that time you were paid only \$2 a day?—A. During a portion of the time I was paid \$2 a day; and one month (the month of April) when I worked there they gave me \$2.25 a day.

Q. But all the pay-rolls for 1874 and 1875, when you worked for the custom-house, were filled out for \$3 a day?—A. Yes, sir.

Q. Did you recognize your signature to the pay-rolls?—A. Yes, sir; they made me write my signature two or three times to the pay-roll.

Q. And you recognized your signatures before the grand jury?—A. Yes, sir.

Q. And identified the pay-rolls as the same pay-rolls that you signed in blank?—A. Yes, sir; when I signed them the number of days I made and the amount of money per day that I was getting was not on them.

Q. How about the number of days; did you notice any difference in that respect?—A. No, sir; the number of days was down, but I did not notice that; when I signed the rolls the number of days was not there.

Q. How many men were employed at the same time that you were on the custom-house?—A. In 1873 I believe there were seventeen or eighteen.

Q. Do you know what they were paid?—A. Well, so far as what the men tell me goes, some of them were getting \$3.50 a day; others, \$4, &c.

Q. The men that worked with you got how much?—A. I could not tell what they got.

Q. Did you see all the names of the men that worked with you on these pay-rolls before the grand jury?—A. No, sir; I took particular notice of that, and I know I did not; they showed me a list, and I could not tell exactly—about three or four names.

Q. Did you see any names of the men that worked with you?—A. Yes, sir; I saw two.

Q. How were their names filled out?—A. Their names were filled out John Daley and Cornelius Daley.

Q. Do you know how much they were paid?—A. They told me they were getting \$2.50 a day; that was in 1873; I do not know what they got afterward.

Q. Did you ask to see the pay-rolls of 1873?—A. Yes, sir; I asked the grand jury to see them.

Q. Was any reason given you why they were not there before the grand jury?—A. No, sir; they did not have them; that was all. I was very exact about seeing them, because, in 1873, we worked very hard; Mr. Hannon was foreman; when he went away Mr. Bienvenu was there, and then young Mr. Kurscheedt, and we would not have five minutes in a day for rest; we had to work like anything.

Q. Have you computed what the difference would be between your pay when you worked at \$2.50 a day and what it would be at \$3 a day?—A. No, sir.

By Mr. CONGER:

Q. Were you at work for Kurscheedt & Bienvenu all the while you worked there?—A. Yes, sir; all the while I signed the pay-rolls up there.

Q. You never worked for anybody else on custom-house work?—A. Kurscheedt & Bienvenu's foreman hired me to work there.

Q. What was his name?—A. John Hannon, I believe it is.

Q. He was the foreman of this firm of Kurscheedt & Bienvenu?—A. Yes, sir.

Q. And they hired you?—A. Yes, sir; they hired me.

Q. And they paid you?—A. Yes, sir.

Q. How much did they agree to give you?—A. They made no agreement at all.

Q. How much did you receive?—A. I received \$2.50 a day in 1873.

Q. When did you receive \$2?—A. I received, in 1874, \$2.25 for one month, and the balance of the time I received \$2 a day.

Q. They paid you what they agreed to pay you?—A. They did not agree for anything; Mr. Hannon told me it was a contract job. They failed to show their contract, however; it was no contract job.

Q. That is, you thought they took a contract from the Government for the work?—A. They took the contract, as they told me, from a man named Fisher, of New York.

Q. And you went to work supposing that they had that contract?—A. Yes, sir.

Q. And all the time you worked at the custom-house you worked for them?—A. Yes, sir.

Q. And they paid you?—A. Yes, sir.

Q. Now tell me what made you think you ought to have more than what they paid you?—A. It is plain to be seen that in 1873 I worked ten hours a day, and they got \$3 a day for eight hours I worked.

Q. You did not see the pay-rolls for 1873?—A. I am only telling you that there ought to be more pay allowed for ten hours' work than for eight hours.

Q. But you have not seen anything to show that they did charge more for your work in 1873 than you got?—A. No, sir.

Q. You did not see the pay-roll for 1873?—A. No, sir.

Q. You do not know what they charged?—A. No, sir.

Q. Is it not plain that when a man agrees to work for another, he agrees to work for the sum that they agree upon?—A. I did not agree upon any sum.

Q. But you received this amount?—A. Yes.

Q. And you received it in full of your wages, didn't you?—A. Yes; I received that.

Q. And in full of your wages?—A. I could not tell you if it was in full; when I was paid, neither the number of days nor anything else was in there.

Q. Did you not keep your own time?—A. Yes, sir; certainly.

Q. You knew you were getting a certain amount of money for those three years for every day you worked?—A. I did not get what they got.

Q. You were paid every two weeks?—A. Yes, sir.

Q. When you got this pay did you ask for any more?—A. No, sir.

Q. You thought you were getting what you agreed to get?—A. No, sir; I thought I ought to get more.

Q. Why did you not tell Messrs. Kurscheedt and Bienvenu, your employers, of that fact?—A. I was waiting a while to see how it would be.

Q. Waiting to see what?—A. To see if I could find out whether they were getting more for my labor and whether it was a contract job or not.

Q. Was it a contract job?—A. No, sir; they failed to show their contract.

Q. Didn't they have a contract with the Government to furnish the stone-work?—A. They failed to show it, and I don't believe they had.

Q. Do you think they had a contract for the work?—A. I think they had not a contract.

Q. But they pretended to have, although you think they had not?—A. Yes, sir.

Q. If you were at work directly for the Government, you would be paid directly by the Government?—A. I would have got more; yes, sir.

(Question repeated.)—A. They would have paid me the full amount.

Q. The Government would have paid you how?—A. They would have paid me in the office.

Q. Would they have paid you by check?—A. No, sir; they never gave me any check.

Q. They would have paid you by check?—A. I could not tell you; I never got any money from them.

Q. These men always paid you at their shop?—A. Yes, sir; I always signed blank vouchers at their shop.

Q. You never went to the custom-house to get your pay at all?—A. No, sir.

Q. You never had any dealings with a custom-house officer?—A. No, sir.

Q. If you had been at work directly for the Government, the custom-house officers would have paid you, would they not?—A. I suppose Colonel Morse would have paid me.

Q. Your misfortune was that you were employed by contractors, and not by the Government?—A. Yes, sir. I will state, furthermore, that they wanted to make a compromise, but when they saw the amount we wanted, they failed to compromise with us.

By Mr. REILLY:

Q. Who offered to compromise with you?—A. Mr. Gibson and Mr. Walker.

Q. Was there any compromise made with you?—A. No, sir; it was made between those gentlemen. I was sitting in Mr. Gibson's office at the time.

By Mr. CONGER:

Q. What kind of a compromise did these lawyers try to get up about your pay?—A. Mr. Walker came over there and wanted to see how much money was coming to us.

Q. They came to your lawyer to see how much money was coming to you?—A. Yes, sir; and we were told to be there the next day. The next day the amount was sent over to Mr. Walker's office, and the amount was too big, and they let it slide.

Q. What was to be the condition of paying any more money—what were you to do?—A. The condition was, if we were to get our money, we were not to know where it was to come from.

Q. But what were you to do if you got paid more money?—A. I was to put it in my pocket and go home.

Q. What was that other thing you were to do also? What about the affidavit if you got more money?—A. I would let the thing drop.

Q. You were to withdraw your affidavit?—A. Yes, sir; if I got paid whatever was coming to me.

Q. The agreement, then, was that you would withdraw your affidavit and stop proceedings against them, if they paid you?—A. There was no agreement of that kind. I am just telling you how the thing failed.

Q. You say if they paid you more money, you were to let the affidavit drop?—A. I had not the affidavit made out at this time.

Q. But you were to stop making it? You were going to make one?—A. Yes, sir.

Q. You threatened to make one?—A. I made one.

Q. At this time you were going to make one?—A. I was.

Q. At the time this conversation was going on?—A. Yes, sir.

Q. And if they had paid you more money, you would not have made it?—A. No, sir; I would not have made it if I had got my back pay.

Q. You would then have let the thing drop?—A. Yes, sir.

Q. But when they did not pay you any more money, you went on with the affidavit?—A. I did.

Q. How much were they to pay you to let the thing drop?—A. I do not know.

Q. Was it \$500?—A. There is that much coming to me if I only could get it.

Q. What was talked of, if you would let the thing drop, as the amount that you were to get?—A. I could not tell you that.

Q. Was it \$500?—A. It was more.

Q. Was that for all of you boys?—A. I do not know how much they wanted. We wanted our rights.

Q. Was not a certain sum of money named by the lawyers as the sum that they were to pay, and was not that sum \$500 that was sent over to Walker as the amount that was to be paid?—A. I could not tell you how much was sent over as the amount.

Q. Mr. Walker would remember about it, would he not—how much money was to be paid?—A. I think they can tell you better than I can.

Q. What was your lawyer's name?—A. Mr. Gibson.

Q. Who else conducted the compromise?—A. Mr. Walker.

Q. Mr. Gibson and Mr. Walker, who did the talking, would know how much money was to be paid to you boys to let the thing drop?—A. Yes, sir; they were the two men.

Q. What amount did Gibson send over?—A. I could not tell you.

Q. I ask you again, if it was not \$500?—A. I could not tell you. I never heard anything about it.

Q. The money did not come?—A. No, sir; the money did not come.

Q. And the affidavit was made?—A. Yes, sir.

Q. And it is before the grand jury?—A. Yes, sir.

Q. You don't know how it came out, though?—A. No, sir.

NEW ORLEANS, *June 5, 1876.*

GEORGE BERON sworn and examined.

By Mr. REILLY:

Question. Where do you live?—Answer. I live on Fourth street, between Constance and Laura streets.

Q. How long have you lived in this city?—A. I have been here ten years now.

Q. What is your business?—A. I am a stone-cutter.

Q. Have you ever worked at any Government work?—A. Yes, sir; I have worked at the custom-house.

Q. When?—A. I commenced in 1873 when they commenced the custom-house.

Q. How many months did you work at that altogether?—A. I do not know. I commenced in 1873, and, after stopping on the work, I worked forty or forty-one days; I do not know for sure which.

Q. Was that altogether?—A. Yes; altogether in 1873.

Q. Did you work in 1874 on the custom-house?—A. In 1874 I commenced work again on the 25th May.

Q. How long did you work in 1874?—A. In 1874 I worked until the custom-house was finished.

Q. How long did that take?—A. I do not know how many months.

Q. Was it two, three, four, or five months?—A. Yes, sir.

Q. Five months?—A. Yes, sir; I think so.

Q. How much were you paid?—A. Three dollars a day; the first year they paid me \$3.50 a day and the other year \$3 a day.

Q. Did you give any receipts or sign any pay-rolls?—A. I signed pay-rolls all the time.

Q. Did these pay-rolls show how much your wages were when you signed them?—A. No, sir; I never saw anything on the pay-rolls.

Q. It was all a blank?—A. Yes, sir; I saw nothing on the pay-rolls.

Q. Did you see the pay-rolls afterward?—A. I saw nothing afterward except I saw them the last time when I was before the grand jury. The grand jury asked me, "Did you see those figures on the pay-roll when you signed the pay-roll?" and I said to them, "No, sir."

Q. Did you see the pay-rolls there that you signed or that you wrote?—A. Yes, sir; I saw the pay-rolls.

Q. How much were the figures on them?—A. Those that I saw were \$3 a day.

Q. Did you see the pay-rolls with anything different per day from what you were paid?—A. No, sir.

Q. The rate was just the same?—A. Yes, sir; just the same. The grand jury showed me the pay-rolls and the same wages were on the pay-roll as I was paid.

Q. And you saw no difference in the number of days each month?—A. No, sir.

By Mr. CONGER:

Q. When you did see the pay-rolls you found the account was all right just according to what you had worked and the rate of pay you received?—A. Yes, sir; when they showed me the pay-roll before the grand jury, I saw my name on the pay-roll and it was all right.

Q. The wages you got were there?—A. Yes, sir; it was just the wages I got.

Q. You have no fault to find with anybody?—A. No, sir.

By Mr. REILLY:

Q. How many pay-rolls did you see?—A. One pay-roll.

Q. And that one was all right?—A. That one was all right.

Q. When you were working at the custom-house and signed these pay-rolls, did you work at any other place?—A. Sometimes I worked in the shop.

Q. During any one month when you signed those pay-rolls were you working in any other place?—A. Sometimes I worked in the shop and sometimes in the custom-house. I had to sign the pay-roll just the same.

Q. Did you work at any other place, for instance, down the river?—A. No, sir; one time Mr. Henry wanted me to work for him. He told me, "I have got a monument to do; tell Mr. Hannon I want you in the shop for a monument." After that I said, "Mr. Hannon, I do not want to go into the shop." Afterward, when I was at work in the custom-house, Mr. Hannon came to me and said to me, "Halloo, I do not want you here; I want you in the shop."

Q. Did anybody speak to you when you were a witness before the grand jury?—A. Nobody spoke to me."

Q. Or when you were up around the custom-house?—A. No, sir.

NEW ORLEANS, June 5, 1876.

PHILIP BERON sworn and examined.

By Mr. REILLY:

Question. What is your business?—Answer. I was hired at cleaning up in the custom-house and rubbing and polishing the marble.

Q. When was that?—A. That was in 1874. The 5th of October they hired me, and they discharged me on the 10th of April, 1875.

Q. How long altogether did you work there?—A. About six months and some days, I think.

Q. How much were you paid?—A. I was paid \$1.75 a day.

Q. Did you sign any papers for your money?—A. Yes, sir; I signed before I got paid.

Q. Did you see on the paper where you signed how much you were paid?—A. No, sir.

Q. It was blank?—A. Yes, sir.

Q. It was not filled out?—A. No, sir.

Q. Did you see the papers that you signed for your wages afterward at any time?—A. Yes, sir; I saw the papers before the grand jury at the court in the custom-house.

Q. Do they hold court in the custom-house?—A. Yes, sir.

Q. Did you see your name where you had signed it on those pay-rolls?—A. Yes, sir.

Q. Was it filled out when you saw them then?—A. Yes, sir.

Q. How was it then?—A. Three dollars a day.

Q. Was that for the same time when you had been paid \$1.75 a day?—A. Yes, sir.

Q. How many pay-rolls did you see?—A. They had plenty of papers lying there.

Q. How many rolls were there on which you saw your name?—A. I signed on three papers; there were three sheets when I signed them.

Q. Did you see those three in the grand-jury room?—A. Yes, sir.

Q. And they were all at \$3 a day?—A. They were all \$3 a day.

Q. Has anybody said anything to you about testifying?—A. Do you mean there in the custom-house?

Q. Yes, sir.—A. I got my subpoena that asked me to come.

Q. Was that all that was said?—A. Yes, sir.

Q. Did anybody offer to pay you anything for not coming here?—A. No, sir.

Q. Was there nothing of that kind?—A. No, sir.

Q. How many men were on the same kind of work that you were?—A. I could not tell you.

Q. About how many were there, as nearly as you can tell?—A. I know that at one time, I believe, there were about sixty men there, during the first of the cleaning, but toward the last they discharged every man.

Q. Do you know how much these men were paid?—A. Some of them told me that they had \$2 a day; that is what I heard; Mr. Hannon said that there were only two men they paid \$2 a day, and the balance got \$1.75.

Q. Did you see any of the names of these men on the pay-roll that you saw before the grand jury?—A. No, sir; I cannot tell if I did see those names.

By Mr. CONGER:

Q. What men were you at work for?—A. Messrs. Kurscheedt & Bienvenu; it was Mr. Hannon, the foreman, that hired me for Kurscheedt & Bienvenu. He hired me in the shop.

Q. Are you still working for Kurscheedt & Bienvenu?—A. Yes, sir.

Q. And you have worked all the time since?—A. I have worked there ten or eleven weeks.

Q. Did you work for anybody about the custom-house except Kurscheedt & Bienvenu?—A. No; I always got paid in Kurscheedt & Bienvenu's store.

Q. How much did they agree to pay you?—A. Mr. Hannon told me \$1.75 a day, but when I commenced working Messrs. Kurscheedt & Bienvenu paid me my money; the account was \$1.75 a day.

Q. And were you kept working at that up to this time?—A. Yes, sir.

Q. You never have worked for any more?—A. No, sir.

Q. And you say that Kurscheedt & Bienvenu, through their foreman, Hannon, hired you, and you have worked for them and they have always paid you?—A. Yes, sir; and they have always paid me what they promised; \$1.75 a day is what I got always.

Q. Was it on their pay-roll that you saw \$3 a day charged to your name?—A. I mean those pay-rolls that I saw before the grand jury in court.

Q. It was not these custom-house pay-rolls, but Kurscheedt & Bienvenu's?—A. It was those last ones that the grand jury showed me.

Q. Were they the pay-rolls that you signed?—A. Yes, sir; they were not filled out so when I signed them.

Q. But you signed them at Kurscheedt & Bienvenu's store?—A. I signed them the first time in the custom-house; then afterward I signed them in Kurscheedt & Bienvenu's store; I cannot tell how many times I signed them in the custom-house.

Q. You were paid in the store?—A. I was always paid in the store.

Q. The work that you did cleaning and polishing the marble was their work on their job?—A. Yes, sir; it was on the custom-house job.

Q. Did you ever hear of any laborers getting \$3 a day?—A. No, sir.

Q. They never do pay laborers \$3 a day; they never pay \$3 a day unless to stone-cutters or something like that?—A. Yes, sir.

Q. Are you a stone-cutter?—A. No, sir.

Q. You just clean the stone and polish it—that is, you push the polishing-iron, or whatever it is?—A. Yes, sir.

By Mr. NEW:

Q. Have you seen the kind of pay-rolls that they sign at the custom-house?—A. Yes, sir.

Q. Were these pay-rolls or papers that these gentlemen had you sign the same kind that are signed at the custom-house—the same kind of looking papers?—A. Yes, sir; they looked just like it, but when I saw them in the custom-house, they were all together; they were all scattered in the grand-jury room.

Q. But were they the same size and the same kind of looking sheets?—A. Yes, sir; they were just the same size of papers.

Q. And those pay-rolls that these gentlemen had you sign looked the same way?—A. Yes, sir.

Q. You were to get \$1.75 a day?—A. Yes, sir; that is all I got.

Q. And the \$1.75 a day is all you claim now?—A. If Government pays \$3 a day, I would get \$1.25 a day yet.

Q. Your contract was \$1.75 a day?—A. Yes, sir.

Q. On these pay-rolls that you saw your name signed to, it said \$3 a day?—A. Yes, sir.

Q. Do you write your name, or do you make your mark?—A. I write my name.

Q. How many pay-rolls did you see at the grand-jury room that had your name signed to them and that were filled up for \$3 a day?—A. There were plenty of pay-rolls lying there; they laid one pay-roll right before me.

Q. And that pay-roll was filled up at \$3 a day?—A. Yes, sir.

Q. When you signed pay-rolls for these gentlemen who employed you, were they filled up or were they in blank?—A. They were blank when I signed them.

Q. You signed your name and asked no questions, and got your \$1.75 a day?—A. Yes, sir.

By Mr. REILLY:

Q. Do you know whether there were any men working there at the same kind of work you were, that were not employed by Kurscheedt & Bienvenu?—A. I believe there were some three that were not employed by them, but I am not quite sure about that.

Q. Do you know how much those men got?—A. No, sir; I always heard that they got only \$1.75 a day, and some had \$2 a day; old men had \$2 a day.

Q. Did you work any place else?—A. No, sir; I was always there.

NEW ORLEANS, June 5, 1876.

JOHN TANNEY sworn and examined.

By Mr. REILLY:

Question. Where do you live?—Answer. In this city.

Q. How long have you lived in this city?—A. Something like twenty-five or twenty-seven years.

Q. What is your business?—A. Marble-cutter.

Q. State whether you have ever been employed upon the construction of any public work by the United States Government.—A. I was employed in the custom-house in the year 1873, when they first commenced on the columns.

Q. At your trade?—A. Yes, sir.

Q. What compensation did you receive?—A. The first week I received \$3 a day. I remonstrated, however, and for the balance of 1873 he paid me \$3.25 a day.

Q. Did you sign any receipts or vouchers for any persons for the time you worked on the custom-house?—A. I signed those pay-rolls.

Q. How were they when you signed them?—A. They were in blank form.

Q. Have you seen those pay-rolls since?—A. I saw one of them in the grand-jury room.

Q. Did you recognize your signature where you had signed them?—A. I did, sir.

Q. How is your account?—A. I did not exactly notice the amount.

Q. Don't you know whether there was any difference between what is there and what you received?—A. The rolls are filled out.

Q. Was there any difference?—A. There was \$3 a day, if I am not mistaken, in the rolls in the grand-jury room.

Q. And you had been paid \$3.25 a day?—A. I was paid \$3.25 a day in the year 1873. I think I saw the rolls of 1875 in the grand-jury room.

Q. Were you working in 1875?—A. Yes, sir.

Q. How much did you get then?—A. On the 1st of November he told me he could not place me on that roll, but he placed me on the December roll; I worked from that on until the 15th April, 1875; he paid me at the rate of \$2 a day.

Q. Did you see the rolls for those months?—A. They were all blank when I signed them.

Q. Did you see any of them before the grand jury?—A. I could not enumerate any distinct monthly roll; I just merely saw one roll.

Q. Did you see any roll to which you had signed your name?—A. Yes, sir.

Q. Was there any difference between that roll and what you were paid?—A. The roll was filled out for \$3 a day.

Q. And you had been paid \$2 a day?—A. Yes, sir; I then remonstrated with Mr. Hannon and told him that I was under the impression that there were men performing the same labor that I was and who were receiving more compensation; that was about the beginning of the month of April or the latter part of March, and on the 15th April I was discharged; he then came down to settle with me and I told him I would not receive it.

Q. That is, to settle with you for the last month you worked?—A. Yes, sir; he counted out \$30, and I would not receive it.

Q. That would have been at the rate of \$2 a day?—A. Yes, sir, exactly. He said he would raise my pay half a dollar a day more. I would not receive that. He asked me if I would receive \$3 a day for the fifteen days of the month of April. I said I would not. I wanted the same as the other men were receiving. He asked me what I thought that they were receiving. I told him I thought \$3 a day, though I did not know. He told me to come up on Monday, and then he asked me what I would do. I told him I wanted the running wages. I made up a calculation for the four months and fifteen days, which made it \$149.

Q. Did you get that?—A. Yes, sir; it was a dollar a day for the four months, and \$45 or the month of April.

Q. That was \$1 a day more for the time you had signed these pay-rolls when you had been paid only \$2 a day.—A. Yes, sir; and then there was the fifteen days additional of April.

Q. Did you sign those pay-rolls?—A. No, sir; the first time I ever saw the pay-rolls after that was in the grand-jury room.

Q. That was after the conversation with Hannon?—A. Yes, sir.

Q. Was there anything said at the time this money was paid to you about why it was paid to you, or what you should do or say about it?—A. No, sir; we just merely made a settlement.

Q. Has anything been said to you since about your appearing before this committee?—A. No, sir.

Q. Or about appearing before the grand jury?—A. No, sir; there has been nobody who has approached me about it.

Q. Nobody has promised you work if you did not testify?—A. No, sir; not at all. I was discharged at that time, though; the supposition I am laboring under is that I was discharged because I demanded wages at the rate of \$3 a day; the reason I have that idea is because the work I was on then was unfinished and they placed other men there to complete it; I was working on the window-openings at the time.

Q. How many men were employed at the same kind of work you were at this time when you were paid only \$2 a day?—A. I could not exactly say.

Q. Give us a general idea of how many there were to the best of your knowledge.—A. Sometimes there would be fifty men there; sometimes seventy-five, sometimes a hundred, but they were not all working at the same business that I was.

Q. But they were working on the same building?—A. Yes, sir; on the same building. We worked at the rate of ten hours in 1873 and 1874, with the exception of Saturday, when we quit at 4 o'clock like the balance of the other departments; they would all knock off at four.

By Mr. CONGER :

Q. You were employed on Kurscheedt & Bienvenu's job, were you not?—A. I was employed by Mr. Hannon.

Q. Was he their foreman?—A. He was supposed to be their foreman.

Q. And all the work you did there was for them?—A. That was the supposition—that they had the contract.

Q. Did they pay you?—A. They paid me every time, with the exception of once. Mr. Hannon paid me personally once in the custom-house.

Q. Mr. Hannon was the foreman of all these men?—A. Yes, sir.

Q. At other times they paid you at their store?—A. Yes, sir.

Q. Your contract was with Kurscheedt & Bienvenu and they paid you?—A. I was laboring under that supposition that I was working for them, because their foreman employed me.

Q. And their foreman paid you?—A. Yes, sir.

Q. And you and he disagreed about the price?—A. Yes, sir.

Q. Then they made an agreement with you that you were to have \$3 a day?—A. Yes, sir; after I had remonstrated with them.

Q. After you had this talk with them they allowed you and paid you \$3 a day?—A. Yes, sir.

By Mr. NEW :

Q. Three dollars instead of \$2?—A. No, sir; they paid me at first at the rate of \$2 a day, until such time as I remonstrated, and then they paid me the additional dollar a day for the whole time.

By Mr. CONGER :

Q. That is, they added enough to what they had paid you to make up \$3 a day?—A. Yes, sir.

Q. When you saw that pay-roll in the grand-jury room, that said \$3 a day?—A. Yes, sir.

Q. And that is what they did actually pay you when they settled with you?—A. Yes, sir; then, at the time that I received this \$3 a day, I only labored eight hours a day, and previous to that we had labored at the rate of ten hours.

Q. Men that are at work directly for the Government work eight hours, do they not?—A. Yes, sir.

Q. And those that work for contractors work ten hours?—A. That depends upon what hours the contractors have. Sometimes they do and sometimes they do not. I never thought this was contract work. In the month of March we all signed the roll for Kurscheedt & Bienvenu's firm, and when the supervising architect, Mr. Potter, came here we were all requested to go up-stairs and sign the roll. That made me believe that it was not contract work.

Q. After Mr. Potter became superintendent was not your foreman required to give you a time-slip for a while—a little card showing the time you were at work?—A. No, sir; I never got such a thing as that.

Q. Those that worked directly for the Government had a time-slip, had they not?—A. That I do not know. I signed the pay-rolls there, but I never got any slips.

Q. How many pay-rolls did you see at the grand-jury room with your name signed to them?—A. I only saw one.

Q. For what month and in what year was that pay-roll?—A. I could not tell.

Q. Did you ever sign more than one pay-roll while you were working for these men?—A. We signed three pay-rolls.

By Mr. REILLY :

Q. At the same time?—A. At each time that we were paid.

By Mr. NEW :

Q. You signed three different pay-rolls at one time?—A. Yes, sir.

Q. Were those all the pay-rolls you ever signed for work you had done for those parties?—A. To the best of my knowledge they were.

Q. You do not know for which one of the three months the pay-roll you saw at the grand-jury room was?—A. I do not. I did not notice it particularly.

Q. Did you, in the settlement that you finally had with these gentlemen who employed you, so settle that you got paid at the rate of \$3 a day for the entire three months?—A. For the entire three months. I worked more than three months, though. There were four months and a half that I worked.

Q. Did you, in your settlement with them, so settle that you received, in fact, at the rate of \$3 a day for all the time covered by the three pay-rolls that you signed?—A. I signed a receipt, but I do not think there was any such distinction made in it.

Q. Did you receive \$3 a day finally, before you got through with these parties, for all the time you worked for them?—A. I did; that is from the 1st of December.

Q. Did you receive \$3 a day?—A. I did.

Q. And the pay-roll that you saw your name signed to, was filled out at \$3 a day?—A. To the best of my knowledge it was.

By the CHAIRMAN :

Q. How long did you work for these gentlemen ?—A. In 1873, I think, a space of something a little over two months. In 1874 we worked until such time as the columns were completed. I think they were completed about the 15th or 18th of October.

Q. That made how many months altogether ?—A. I should think we worked from the month of June, until the month of October, in 1874, and from the month of May to the month of July, I think it was in 1873, it was something like about seven months altogether; then four more months in 1875, would make eleven months altogether.

Q. As you worked along were you paid at the end of every month ?—A. No, sir; we were paid in 1873 and 1874, I think, on the 15th and the 1st of the month.

A. At what rate were you paid then ?—A. At the rate of \$3.25 a day in 1873.

Q. And for the next period what were you paid ?—A. In 1874 we were paid at the rate of \$3 a day.

Q. And the next and last time, how much were you paid ?—A. Mr. Hannon settled with me at \$3 a day, at the end of it.

By Mr. REILLY :

Q. But at the time you were paid, and when you signed the pay-roll, how much did you get ?—A. I only got \$2 a day at that time. I never signed a pay-roll in the filled-up form. The pay-rolls were always blank. I signed the roll, and only received at that time \$2 a day.

By Mr. HANNON :

Q. Did I understand you to say that after you did finally settle with these parties so as to receive \$3 a day, they then discharged you ?—A. Yes.

By the CHAIRMAN :

Q. Did you sign some of those pay-rolls at \$2 a day ?—A. There were no rates on them when I signed them. They were blank forms.

Q. You signed the pay-rolls in blank ?—A. In blank form all the way through.

Q. Have you seen one of those pay-rolls since ?—A. I have seen one of them in the grand-jury room filled up.

Q. At \$3 a day ?—A. Yes, sir; to the best of my knowledge.

Q. But since you have signed them, you have actually received the difference between the \$2 you received when you signed the pay-roll, and the \$3 a day you see on the pay-rolls now ?—A. I received the other dollar when I was discharged, and after I had remonstrated with them. I had worked at that time four months and a half, and we calculated twenty-six working-days to the month, which would amount to \$104; and fifteen days in the month of April, at \$3 a day, \$45; which would make \$149 in all. I drew that amount from Kurscheedt & Bienvenu, \$10 on account at a time, to the best of my knowledge. They would give us little receipts, something like this, [producing a paper.]

Q. Can you describe accurately the size and appearance and what was written on these pay-rolls that you signed when you were getting at the rate of \$2 a day ?—A. No, sir; I could not say that to the best of my knowledge; it was something larger than that, [half a sheet of foolscap.]

Q. Why do you call it a United States pay-roll ?—A. There was a printed heading on it.

Q. What was the printed heading on it ?—A. That I did not recognize, any more than that it was a United States pay-roll, or something to that effect.

Q. You saw written on the pay-roll that it was a United States pay-roll ?—A. To the best of my knowledge it was so printed.

Q. You have got no complaint against these gentlemen, if they paid you in full ?—A. I am under the impression I am entitled to more, because I labored ten hours. I do not think that it is contract-work at all. Mr. Morse used to superintend us there.

By Mr. REILLY :

Q. Had you anything to do with Kurscheedt & Bienvenu ?—A. They used to be the same thing there; if Mr. Hannon was not there, Mr. Morse would be there or Mr. Kurscheedt. There would be always somebody there to look after the men. I spoke to Mr. Morse about placing me on his roll. He told him the reason was that I thought there was a distinction made between the men, and that I thought the men on his roll got more than the men on Hannon's roll. He said he would see into it, and at the expiration of fifteen days I was discharged.

By the CHAIRMAN :

Q. How came you to sign United States pay-rolls if you were in the employ of a commercial firm of private gentlemen in this city ?—A. Because the rolls were brought there for that purpose.

Q. For what purpose ?—A. For the men to sign.

By Mr. NEW :

Q. You just signed whatever was presented to you ?—A. Exactly.

Q. You didn't ask any questions as to whether it was a custom-house roll or not ?—A. No,

sir; I asked no questions; the custom of firms is usually to have a receipt-book, and when a man receives his money to have him sign the receipt on the book.

By the CHAIRMAN :

Q. Who was this Mr. Morse that you complained to?—A. He was the supervisor under Mr. Potter.

Q. Is he now in the city?—A. No, sir; I think he has gone to where he belongs—Painesville, Ohio.

Q. How long has he been gone?—A. About a week previous to his successor's being appointed.

Q. How long has that been?—A. Something like about two months, or perhaps more; may be less or more.

Q. Was he discharged by Mr. Potter?—A. That I do not know, sir.

Q. Was Mr. Potter here just before he left?—A. No, sir; I do not think he was. I think he came after his leaving. I think it was something like two weeks after he left when Potter came.

Q. When Mr. Potter was here you signed the pay-roll in a different place from that in which you had been accustomed to sign them before he got here?—A. Yes, sir; we signed them then in the custom-house building.

Q. That is, after Mr. Potter arrived?—A. Yes, sir,

Q. Do you know what Mr. Potter's arrival had to do with that change?—A. That is one reason why I think that the work was not contract-work. If it was contract-work, they would not care who came or what disposition was made of the rolls. That gave me to understand, when I was compelled to sign within the building, that the work was Government work.

Q. Your idea was that you were entitled to Government pay because you were working on Government work and your name was being borne on these rolls as a Government laborer?—A. No, sir; I was under the impression that I was carried on the rolls as a Government mechanic.

Q. You supposed your name went to Washington, and that the money was paid on that roll for your name, but went to somebody else instead of coming to you?—A. Yes, sir; I am under that conviction still.

Q. Is that the trouble?—A. That is just the trouble; that is what I believe.

Q. When Mr. Potter was here, who handed you this roll to sign?—A. A gentleman up in the office; I do not know his name; I think his name was Leggitt, if I am not mistaken.

Q. Would you know him if you were to see him?—A. Yes, sir.

Q. Did he pay you money on it?—A. No, sir; he never paid me a dollar up there.

Q. Where did you go to get your money?—A. To Messrs. Kurscheedt & Bienvenu.

Q. Do you know what the position of this gentleman was and in whose employ he was—the gentleman who handed you these pay-rolls to sign?—A. I think his position was that he was there as a clerk.

Q. In what department?—A. It was in some department.

Q. Do you know how they claimed it was, when you signed the pay-rolls in the custom-house, that they did not pay you the money in the custom-house?—A. That I could not say. I thought it was rather strange that although we had to sign the names there, we did not receive the money there.

Q. How did you account for that?—A. I thought it was not contract-work at all, and that it must be Government work.

Q. If it was Government work, would not a Government officer pay you?—A. I do not know whether they would or not; I was under the impression that it was Government work all along; I was paid by the firm, but I found that it was rather strange that I was obliged to come every month to sign the pay-roll there, when previous to that we had signed the rolls at the store of the firm.

NEW ORLEANS, *Tuesday, June 6, 1876.*

FRANCIS A. WOOLFLEX sworn and examined.

By Mr. NEW :

Question. Where do you reside?—Answer. In this city.

Q. State whether you occupy an official position; and, if so, what.—A. I do; I am clerk of the circuit court of the United States for this district of Louisiana.

Q. Are you not the clerk of the United States circuit court, and of the district court also?

A. No, sir; of the circuit court only. I was temporarily clerk of the district court; for a little upward of a year I was made a United States commissioner.

Q. Who is the clerk of the United States district court?—A. Mr. John Devonshire.

Q. About how long has he been the clerk, if you know?—A. Since the 24th or 25th of February last.

Q. How long have you been clerk of the United States circuit court?—A. Since the 1st of July, 1871.

Q. Are you acquainted with Waldo P. Todd?—A. Slightly.

Q. How long have you known Todd?—A. I presume it is five or six years.

Q. Do you know whether since your acquaintance with him he has been an employé of the custom-house here?—A. I only know it from general rumor, and from seeing him around.

Q. Up to about when did he continue as an employé of the custom-house?—A. I think, up to about the latter part of February last, as I see by referring to my memorandum.

Q. Do you know whether an indictment or indictments are pending in the United States circuit court here against him?—A. There are—four of them.

Q. Will you give the date of those indictments?—A. No. 495 was presented March 6, 1876, for conspiracy to defraud the United States; No. 502 was presented March 20, 1876, for aiding and abetting the unlawful removal of distilled spirits to a place other than distillery-warehouse, without payment of tax; No. 512 was presented April 8, 1876, for conspiracy to defraud the United States; No. 517 was presented April 10, 1876, for aiding and abetting the unlawful removal of spirits to place other than distillery-warehouse, without payment of tax.

Q. In that connection state whether or not any of those indictments are duplicates, or are substantially the same.—A. Nos. 495 and 512 are substantially the same; also Nos. 502 and 517 are substantially the same.

Q. State how that duplicating occurred.—A. I do not know it as an absolute fact, but only through inference. With reference to the first two indictments, Nos. 495 and 502, there was a plea in abatement filed; the plea was that certain members of the grand jury (among whom H. B. Stevens was one, and all the names are stated in the plea) were not legal grand jurors. On that ground the plea prayed that the indictment be quashed.

Q. On that account, as you understand it, new indictments were found?—A. On that account new indictments were found.

Q. The new indictments obviated that objection?—A. They obviated the difficulty raised by that plea.

Q. Have warrants been issued upon those indictments?—A. Yes, sir.

Q. Do you know whether there has been an arrest or not upon them?—A. There has been no arrest as to Todd.

Q. Why not, if you know?—A. It was reported he had fled the country.

Q. Are you acquainted with Patrick Harnan?—A. Yes, sir.

Q. Do you know whether he has been at any time an employé in the custom-house?—A. Yes, sir; I understood that he was in the custom-house several years ago. The precise date I am not able to give.

Q. You do not know how long his employment continued there?—A. No, sir, I do not.

Q. State if there are any indictments in the circuit court against him.—A. There are two indictments pending against him now.

Q. Give the dates and the nature of the indictments against Patrick Harnan.—A. No. 475 was presented February 1, 1876, for false gauging and inspection of distilled spirits; No. 511 was presented April 8, 1876, on the same charge.

Q. Has he been arrested upon those indictments?—A. He has.

Q. Is either one of those indictments substantially the same as the other, and for the same reason that you have given with regard to the Todd case?—A. Yes, sir; I think the facts are the same as with the other indictments in the Todd case.

Q. Has Harnan been tried upon either of those indictments?—A. No, sir; he has not been tried.

Q. The indictments are still pending?—A. They are still pending.

Q. Do you know whether he is out upon bail or not?—A. Yes.

Q. Do you know what his employment is now?—A. I don't think he has any employment now.

Q. State whether in some cases in the Federal courts there are not costs or charges to be taxed against the United States.—A. Yes, sir.

Q. They are in favor of the marshal of the district, and in favor of the United States attorney?—A. Yes, sir.

Q. Does not the marshal sometimes, in executing processes, pay out moneys for which he is allowed and which are afterward taxed up as costs in his favor?—A. That I do not know.

Q. Are you sure you do not know how that is?—A. I do not know. The marshal's costs have to be taxed by the court. The district attorney examines the account, presents it to the court, and the court, if it finds it correct, passes it.

Q. Can you tell, by an examination of the records of your office, what are the marshal's allowances as costs, independent of the costs which are taxed in his favor by the statute, by virtue of special allowances or sums that are not allowed to him by the statute?—A. No, sir; there is no record to show that in my office.

By the CHAIRMAN:

Q. Are not those costs all recorded in each case?—A. They are on his books, in his office.

Q. Would not they be also found in your office, in the final disposition of the case?—A. Not always.

Q. Generally they are, are they not?—A. No, sir. The attorneys generally go right to the marshal's office and settle there.

Q. Then, they are not included in the bill of costs that you make up at all?—A. No, sir.

Q. That is sometimes done, is it not?—A. It is only done where a fund happens to be in court and the distribution has to be made.

By Mr. NEW:

Q. Costs that are taxed by statute in favor of the marshal, as, for illustration, so much for the service of a given kind of process to which he may be entitled in a given case of proceedings, are taxed up in your office, are they not?—A. The practice here is just the reverse. As I stated to the chairman, the custom is for attorneys to go right to the marshal's office and settle there.

Q. Then, the records of your court or of your office would not show just what costs or allowances he had received?—A. No, sir.

Q. That could only be obtained, if I understand you, from his own books?—A. Yes, sir; from his books.

Q. When a marshal makes or presents a claim for an allowance or the taxing of costs or charges, state what is done before the claim or charge is allowed.—A. Sometimes it is referred to a commissioner to tax.

Q. By whose order?—A. By order of the court, and sometimes in following the statute it is taxed by the clerk.

Q. If referred to a commissioner for his determination, what record would there be, and where would it be, of what his action had been?—A. In that case the record would be in my office.

Q. By what name is that record known?—A. The commissioner's report, that is, in the cause, whatever cause it might happen to be in.

Q. Is there any uniform rule of practice in the United States circuit court here as to in what cases or what kind of cases a commissioner shall be appointed or is appointed to determine that matter, and when he is not to be appointed?—A. I do not believe there is a uniform rule.

Q. What considerations then, if there be no uniform rule so far as you know about it, in any way determine whether the costs shall be taxed by you in a given case of proceedings or shall be referred to a commissioner for his determination?—A. When it is not referred to a commissioner it must be owing to there being no dispute between the attorneys, and because there is no question raised as to the charges.

Q. When there is any question or conflict of opinion as to what it should be, it is then referred to a commissioner?—A. Sometimes to a commissioner and sometimes to the clerk.

Q. Is there any actual inspection or hearing by the court of the items which are claimed as allowances by the marshal?—A. In his accounts against the United States they are first verified and then presented to the district attorney, who is charged under the law with that examination. If the district attorney finds it correct he presents it to the court and the court allows it.

Q. What is there of record in your office, either as files or in the order-book, or fee-book, or anything of that kind, that would enable a person to go there and ascertain the state of facts upon this subject; that is, as to the charges in any controversy or cause?—A. Except in cases where the parties dispute the costs, I do not think there is any. Sometimes the commissioner's report will show that, and sometimes the clerk's statement of the taxation of the costs will show in the cause, but generally the commissioner's dockets only show that.

Q. Suppose that in a given civil action no question is raised in any manner between the petitioner and respondent, or between the plaintiff and defendant, as to whether the costs and charges of the marshal are correct or not, is the marshal in that instance required to verify his claim, and place it under the inspection of the district attorney, and have it thereafter approved by the court?—A. No, sir; I think not; that is only done as to the charges against the Government. The act of Congress provides that in cases against the Government it shall go through that formality.

Q. Whether there be any matters raised as to the correctness and justness of those charges or not, then, if they be charges against the Government of the United States, I understand that the claim of the marshal must be verified?—A. Yes, sir.

Q. And it must pass under the inspection of the district attorney, and be approved by the judge?—A. Yes, sir.

Q. How is this approval by the judge made? Is it ever the practice for him to approve those claims for allowances in any other manner than in open court?—A. In no other way.

Q. It is always done in open court?—A. Always in open court, and an entry is made on the journal stating that the marshal has presented his accounts, &c.

Q. Is there anything on the record to show that the district attorney was present?—A. Yes, sir; the record must show that. I should also add that the duplicates are filed.

Q. What do you retain for the files in your office, the duplicate or the original?—A. The duplicate; the originals are sent to Washington.

Q. By whom are they sent; by yourself or the marshal?—A. They used to be by the marshal, but I believe I have to transmit them now, under the recent act of Congress.

Q. How long do you say you have been in the office?—A. Since 1871.

Q. State whether within that period, to your knowledge, or upon your information, any of those files have been withdrawn from your office even temporarily.—A. Yes, sir.

Q. You say they have?—A. Sometimes the marshal has occasion to refer to them in making up his settlements under statements of difference as found by the Comptroller.

Q. Have those files thus withdrawn been uniformly returned?—A. Yes, sir.

By the CHAIRMAN :

Q. What Comptroller do you mean?—A. The Comptroller of the Treasury.

By Mr. NEW :

Q. Do you not mean the Solicitor of the Treasury?—A. No, sir; the Comptroller, Mr. Tayler.

By the CHAIRMAN :

Q. You mean the Comptroller at Washington?—A. Yes, sir.

By Mr. NEW :

Q. How does the marshal verify his claim? Does he do it by affidavit attached?—A. By affidavit.

Q. And in no other way?—A. In no other way.

Q. It is not by an oath administered with the uplifted hand?—A. Yes, sir; it is.

Q. But it is in the form of an affidavit?—A. Yes, sir; it is printed on his accounts, I think you will find on reference to them in Washington.

By the CHAIRMAN :

Q. Do you say that the original was sent to Washington?—A. Yes, sir.

Q. And the duplicates are kept here?—A. Yes, sir; the duplicates are kept here, that is, under the recent act, I think, of February, 1875.

By Mr. NEW :

Q. Do you administer the oath yourself always?—A. Yes, sir.

Q. Do you remember the phraseology of the oath that is administered?—A. "That A B, being duly sworn, deposes and says that the charges in the foregoing account are just and correct, services charged being actually rendered, according to his best knowledge, information, and belief." That is the substance of it.

Q. Have you anything to do officially with the accounts of the United States commissioners?—A. No, sir; their accounts have to be passed in the same manner as the marshal's.

Q. In the same manner except that you are not required to administer the oath?—A. Sometimes I administer the oath if they apply to me. They sometimes come down and are sworn, and then pass the account into the district attorney's office.

Q. Are duplicates of the accounts of United States commissioners on file in your office?—A. No, sir; the law does not require them to be filed.

Q. Do you know what is done with those accounts?—A. They are transmitted to the First Auditor of the Treasury at Washington. He examines them, and certifies to the Comptroller the result of his examination.

Q. By whom are the original accounts of the marshal and the United States district attorney forwarded to Washington?—A. I have already stated that I do that myself.

Q. Suppose that it was desirable to know, so far as the records or files of your office would disclose the fact, what costs taxed by statute in given cases and proceedings in favor of the marshals or district attorneys in your office, and what allowances, other than of the kind I have named as taxed by statute, there may be evidence of there, to what extent could information be obtained in your office that would enable the committee to understand how that matter is?—A. I think very little data could be found in my office, because of what I previously stated, that attorneys, when settling an account, usually go to the different offices themselves. Sometimes a settlement is made directly with the district attorney and then with the marshal separately for his fees.

By the CHAIRMAN :

Q. During what period of time were you a United States marshal?—A. I was appointed by Judge Durell in 1868 or 1869, I think. That is the time when I started in the short-hand writing business here with Mr. Clark, and I got the appointment for the purpose of taking testimony for the United States courts. When I went into the marshal's office, as a matter of course, I had to resign. It was a few months only that I acted then, and then, in 1871, when I became clerk, I was also again appointed commissioner.

Q. And you have continued commissioner since?—A. And have continued; yes, sir.

Q. Did you ever act as, or were you ever, United States deputy marshal?—A. I was from May, 1869, until the last of June, 1871.

Q. Were you United States commissioner and deputy marshal at the same time?—A. No, sir; when I became deputy marshal I resigned.

- Q. The commission was canceled?—A. Yes, sir.
- Q. Were you United States commissioner in 1872?—A. I was.
- Q. Did you, while you were acting as United States commissioner, ever issue blank warrants for the arrest of any persons?—A. No, sir; I never issued a blank warrant in my life; I was applied to to do so, but refused.
- Q. Have you any knowledge of any blank warrants being issued?—A. No, sir; I have none.
- Q. You are sure you never issued any?—A. Never.
- Q. Do you keep any record, as United States commissioner, of the number of persons arrested under warrants issued by you?—A. I started to keep a record, but I have done very little business. I do not suppose I have acted in more than five or six cases since I have been a commissioner; it is a class of business that I do not much care about, because it would interfere with me too much as clerk; the two would clash more or less.
- Q. You have kept no record of the warrants issued by you as United States commissioner?—A. I am not certain that I have. In one or two cases I possibly may have kept a record; but in whatever cases I acted, I have always transmitted the papers to the district attorney, with the exception of two or three cases that I have never acted on and that I have got in my safe yet.
- Q. Have you any outstanding warrants now, issued in your capacity as United States commissioner?—A. There may be some outstanding warrants where the parties are not found—cases where the deputy marshal has made no return.
- Q. Do you know of any persons under arrest on such warrants?—A. There are none.
- Q. You say there are none who remain to-day under arrest on such warrants?—A. None; I have not had a case for over eighteen months.

NEW ORLEANS, June 6, 1876.

CHARLES W. LOWELL sworn and examined.

By Mr. NEW :

- Question. Where do you reside?—Answer. In the parish of Jefferson, in this State.
- Q. Did you ever reside in the city of New Orleans?—A. Yes, sir.
- Q. For what period?—A. During 1869 and 1870. I think it was in 1871 that I went up there to Jefferson. My residence is just outside of the city, in the parish of Jefferson, and I think it was in 1871 that I moved up there.
- Q. State whether you are the Charles W. Lowell who has been spoken of as having been postmaster of this city at one time.—A. Yes, sir.
- Q. State whether or not the trouble between yourself, as postmaster, and the General Government was finally adjusted.—A. Yes, sir.
- Q. Did you receive from the Government any evidence of its adjustment?—A. Yes, sir.
- Q. What was that?—A. It is what is called a quietus.
- Q. Have you that paper with you?—A. I have.
- Q. Produce it, if you please.—A. I will read it:

“OFFICE OF THE AUDITOR OF THE TREASURY
“FOR THE POST-OFFICE DEPARTMENT,

“Washington, June 20, 1874.

“The proposition of the sureties of Charles W. Lowell, late postmaster at New Orleans, La., to compromise his indebtedness on postal and money-order accounts by the payment of \$7,000 having been recommended by this office and approved by the Postmaster-General, and the several sureties having deposited with the Postmaster-General at Washington, D. C., the said amount of \$7,000, (the certificate of which deposit is now on file in this office,) it is hereby certified that the accounts of said Charles W. Lowell, late postmaster at New Orleans, La., both postal and money-order, now stand closed upon the books of the office.

“In testimony whereof I have hereunto set my hand and seal of office this twentieth day of June, 1874.

[SEAL.]

“J. J. MARTIN, Auditor.”

Q. Did you furnish, directly or indirectly, any money to be used in settlement and compromise of your alleged defalcation as postmaster?—A. I did.

Q. State how much you furnished, and give us such knowledge as you had of the manner in which it was furnished, and the circumstances under which it was furnished, and to whom.—A. I cannot give the exact amount, for the reason that the memorandum of a portion of it I was unable to find this morning in town. I suppose it must be among my papers at my house.

Q. Will you try to obtain that memorandum and furnish it to us as a part of your statement?—A. I will. I can give a portion of it now. The arrangement for this settlement was made in the winter of 1874—I think in February. At the time it was made I was con-

fined to my bed by sickness, and was dangerously ill, and the arrangement for the settlement was made outside by my friends, and without my knowledge and without their consulting with me. It was a matter that annoyed me very much, and they, therefore, did not consult with me about it at all. All I know about how much was contributed by my sureties is what they have told me since. I have endeavored to settle with them, but have not succeeded yet. At that time, while I was sick, Mr. Morey, who was one of my bondsmen, came to me and stated that they would try to raise the money to make the settlement, and he said he could borrow \$1,000 of a certain man upon my note.

Q. What man did he say?—A. James S. Clark. He brought the note to me and I signed it in bed, lying flat on my back. I owe that note yet.

Q. State whether any other name than your own is attached to that note.—A. Not to my knowledge. Mr. Clark holds the note yet, or did hold it the last time I saw him. Then after that Mr. E. W. Dewees, who is now dead, loaned me some money. They desired to have a certain amount of money. That was before I recovered, and Mr. Dewees and Mr. Smith acted for me.

Q. What was Mr. Smith's given name?—A. George L. Smith.

Q. What was he at that time?—A. A member of Congress. They stated that friends of mine would raise whatever balance it might be necessary to raise; they would loan it to me. The amount in my mind is so indefinite, however, that I will have to take time to find the account existing between us. This was, I think, in the month of March; indeed, it must have been, because it was just about the time I was able to get out on the street.

Q. Did Mr. Morey say to you what amount it would take to settle it?—A. Yes, sir; he wanted \$15,000 in the first place, and he sent me a telegraphic dispatch to that effect, he or Mr. Smith, asking me to send him a draft for \$15,000.

Q. You have told us of the \$1,000 obtained by loan from Clark?—A. Yes, sir.

Q. Do you know what amount was furnished by your dead friend, Mr. Dewees?—A. No, sir; as I have stated, I must take time to ascertain that.

Q. Have you no judgment about it now?—A. I think it was between \$2,000 and \$3,000 that he furnished.

Q. What amount, if you have any reason to know it or to have any belief on the subject, was furnished by Mr. Smith?—A. I think it was very nearly a similar amount.

Q. Do you know of any other sums than those which you have named that were furnished or which you believe to have been furnished; and, if so, by whom?—A. Yes, sir; I have a memorandum of \$2,000. Some was furnished afterward by Mr. Antoine.

Q. Who was that \$2,000 furnished by?—A. One thousand dollars of it was furnished by myself and the other was furnished, I think, by Antoine. The draft was drawn on Governor Kellogg.

Q. Do you say that you furnished yourself another \$1,000 in addition to the \$1,000 that came from Clark?—A. I did. I have got the draft here with me. It went to protest before I paid it.

Q. State the facts about this draft.—A. The facts that I know about it is that I received a telegraphic dispatch about it. I have that dispatch also with me.

Q. Who was the dispatch from?—A. It was signed by Frank Morey.

Q. Where was it sent from?—A. From Washington. I will read the note:

\$1,000.]

“WASHINGTON, D. C., June 3, 1874.

“Three days after sight pay to the order of myself \$1,000, value received, and charge the same to account of

“FRANK MOREY.

“CHARLES W. LOWELL,
“New Orleans, La.”

(The note is indorsed:) “Protested for non-acceptance this 10th of June, 1874.

“THEO. GUYAL,
“Witness.”

The WITNESS. The note is indorsed by Frank Morey, and drawn to his own order in blank.

Q. Before that draft was sent on by Mr. Morey you received a telegram from him?—A. Yes, sir.

Q. That telegram was in reference to it?—A. Yes, sir.

Q. Is this the telegram?—A. Yes, sir; it is.

The telegram was then presented to the committee; it is as follows:

“WASHINGTON, D. C., 3, 187 .

“Shall probably close matters to-morrow. Found it necessary to use more money. Have borrowed, and will draw on Kellogg for thousand dollars. See Hassinger and other friends and meet your draft and Kellogg's if he fails.

“FRANK MOREY.

“218.”

Q. You say you received the money to pay that draft?—A. Yes, sir; to pay this draft.

Q. Do you know whether a draft was sent to Kellogg or not as indicated in that dispatch?—A. All I know is what he told me. He told me there was one sent to him and that he received one. He received his dispatch the same day I received mine. He told me so and showed it to me.

Q. Do you know by whom that draft was paid, if it was paid at all?—A. I do not know of my own knowledge; I only know about it by hearsay.

Q. What facts are you in possession of, if any, that would enable you to form an opinion as to who paid it?—A. I have been told by a certain party that he paid it—that he raised the money, that is; I do not know that he paid it himself.

Q. Who was that?—A. Governor Antoine, one of my bondsmen.

Q. Have you any other reason than what you have just stated for believing that he did pay it?—A. No, sir. I only know it from what he said.

Q. Has or has he not desired that you should repay him?—A. Certainly he has.

Q. Did you ever see that draft?—A. No, sir.

Q. It was the dispatch to Kellogg by Morey that you saw?—A. Yes, sir. I saw that the same day I received this dispatch I have showed you. I met Governor Kellogg on Canal street in his carriage. He stopped me and showed me the dispatch and asked me what it meant. I replied I did not know what it meant, and I do not to this day, for Morey had no authority to draw on Kellogg on my account.

Q. What do you know, if anything, about those sums being paid by other parties?—A. That is only from hearsay. Colonel Lewis, who was one of my bondsmen, has asked me to refund to him the amount that he says he paid.

By Mr. STEVENSON:

Q. How much was that?—A. Five hundred dollars.

By Mr. NEW:

Q. If you can remember them, state the names of the sureties on your bond?—A. I can give you all of them, for I have a memorandum with me. They are as follows: Joseph H. Wilson, who was at that time a dry-goods merchant on Canal street; John W. Madden, who was a stationer on Camp street; Jacob Hassinger, who was the proprietor of the German Gazette; Michael De Courcy, whose business I don't know except that, I think, he was a real-estate owner up town; James H. Wingfield, who was a railroad-agent and who is now dead; George F. Brott, who was a mail-contractor by business, I think, then, or if he was not at that time he has been since—I think at that time he was what you might call a general speculator; Charles H. Robert, whose business at that time I do not know; he has been in a city department for several years, but I don't know whether he was there then or not; James Lewis, who at that time, I think, was administrator of police; Edward B. Benton, who at that time was in charge of some institution here of some kind, I think it was a loan and pledge institution on Charles street that he had charge of; Frank Morey, who was a member of Congress; C. C. Antoine, who was lieutenant-governor, and James B. Wands, who lives in Tangipahoa Parish and who is a planter up there.

Q. Which of these men was it that asked you to pay him \$500 back?—A. James Lewis.

Q. What do you know, if anything, of other sums being paid by other persons?—A. I know only what they told me. Mr. Madden told me that he contributed \$2,000 and that Mr. Hassinger contributed the same amount.

Q. What is your best judgment as to the whole amount that was raised and that, as you understand it, went into the hands of Mr. Morey for the adjustment of that matter?—A. I have not got quite through yet on that matter. I should say that Mr. Morey, on this arrangement, agreed as a bondsman to contribute something. I think he was to contribute \$2,000, and according to my remembrance of the whole amount that was made up, that \$2,000 of Mr. Morey's being included, it was \$14,500.

By the CHAIRMAN:

Q. Were you speaker of the house at the time that you were postmaster?—A. Yes, sir; part of the time.

Q. Speaker of the lower house of the general assembly of Louisiana?—A. Yes, sir; I was speaker of the house when the post-office was taken possession of by the special agents.

Q. Was there any statements connected with your position as postmaster that in justice to yourself you would like to make to this committee?—A. I do not know that there is, except that I think I have been rather roughly used.

Q. Do you mean roughly used with reference to the defalcation?—A. I think that the report made by the special agents was a false report; in fact I know it was a false report. It took me about six or eight months after the report was made to get it straight. The office was seized and taken away from me and I had no access to it then. It was two or three months before I even got permission to go into the office, and to get that permission I had to write to the Postmaster-General at Washington. When I got in I could not find any records or anything of the sort, and after sending to Washington and getting a statement of the accounts as they stood there, and after these special agents had made their report, I found

that there was a large amount of credits I was entitled to that was not on the accounts, and it took me about six months to make up the papers. I had to make up entirely new ones and support them with affidavits, &c., and it was not until the winter of 1874 that I finally succeeded in getting the credits allowed. Since the settlement has been made I have found out other credits that ought to have been credited. I have in my possession receipts for \$1,200 or \$1,300 from this man Hayes who was special agent, that has not been accounted for to the Department, and that came into his hands through his taking possession of the office.

By Mr. CONGER :

Q. From what you say I infer that you think that in the settlement of the accounts you were not allowed all you ought to have been allowed as a set-off?—A. No, sir; I am satisfied I was not. As I say, I have receipts now that I was not allowed for.

Q. Do you think there is any material reduction of the assumed balance against you that you have discovered since you have had access to the papers?—A. The only thing that I have discovered that I have written proof of is this one amount I have referred to, which is some \$1,200 or \$1,300. That I have received since the settlement.

Q. Give me name by name the persons who contributed the several amounts that make up the total of \$14,500.—A. I can only do that from hearsay. I understand Mr. Madden paid \$2,000, and Mr. Hassinger \$2,000, and Mr. Lewis \$500, and Antoine, I think, \$1,000, though he possibly might have contributed something before that draft of \$1,000, but I think the payment of the draft was all he contributed, and Mr. Morey was to have contributed \$2,000, and says he did so contribute, and I contributed myself at one time \$1,000.

Q. Was your contribution in cash?—A. Yes, sir; I borrowed the money from Mr. Clark.

Q. Was there anything else?—A. Yes; there is the amount that I obtained from Dewees and Smith, but I do not know what that was; I think it was \$4,000 or \$5,000.

Q. Did you pay this in yourself?—A. No, sir; they paid it in. That was when I was sick. I did not pay any of it in.

Q. They contributed that \$4,000 or \$5,000?—A. No, sir; they did not contribute it; they loaned it to me. They agreed to make up what they thought was sufficient to make a settlement.

Q. How much did Smith loan?—A. I do not know. I have estimated it as nearly as I can as \$4,000 or \$5,000; between the two of them.

Q. Have you no means of knowing?—A. I have a memorandum, but I think it is at my residence. After that there was a \$1,000 draft that I paid.

Q. You contributed, then, \$2,000, \$1,000 in cash and \$1,000 on a draft that you paid?—A. Yes, sir; but I have not paid the note to Clark yet back.

Q. The money was raised on that note to Clark?—A. Yes, sir; I know Mr. Clark has the note still.

Q. Who else contributed?—A. That is all.

Q. Besides what Smith and Dewees contributed and your own payments there was \$7,500 raised by Madden, Hassinger, Lewis, and Morey?—A. I doubt whether Morey paid anything; I doubt that very much.

Q. With your contribution that would be \$9,500, and the balance to make the \$14,500 is what was raised by these men Smith and Dewees?—A. Yes, sir.

By the CHAIRMAN :

Q. Did anybody else raise any that you know?—A. I think that is all. This was a matter that was arranged, so far as it could be, by my sureties and some friends of mine, while I was sick. I was lying almost at the point of death, and it was fixed up for me by my friends on that account.

Q. What you do know about it is what they have told you and not what you know personally?—A. That is all.

By Mr. STEVENSON :

Q. Has there been any talk between you and Smith about the matter since?—A. Yes, sir. Mr. Smith was one of the parties, as I understand it, that helped to make the settlement.

Q. Has he claimed, in conversation with you since then, that he furnished anything?—A. I do not think he has. He knows my utter inability to pay it, so it would be perfectly useless for him to make any claim on me.

By Mr. REILLY :

Q. Did Mr. Smith say that he had contributed some money?—A. Yes, sir. I do not remember the amount, but I can ascertain the amount.

NEW ORLEANS, *June 6, 1876.*

BENJAMIN S. HARRISON sworn and examined.

By the CHAIRMAN :

Question. Where do you reside?—Answer. 560 Esplanade street.

Q. What is your occupation?—A. I am a contractor.

Q. Are you engaged in the custom-house?—A. I have been since the finishing of the Royal-street railroad, two years ago.

Q. What department are you engaged in at the custom-house?—A. I am engaged at the surveyor's department, and have been since my first occupation in the building.

Q. What duties do you perform in that department?—A. I have been in possession of a special detail from the time I went in there, having charge of the entire portion of the surveyor's department back of Basin street—the new basin, the old basin, the lake shore from the terminus at Hoyt's, Spanish Fort, Pontchartrain; and, when necessary, I exercise a control over the officers at Rigolets.

Q. Have you any persons under you in that department?—A. I have only two. I have a statement officer, Mr. Gladden, at new basin, and I have Mr. Larriere, at present at the old basin. Those are the only officers I have.

Q. What are their duties?—A. Their duties are local. They merely have charge of the entries of the surveyor's department and the active portions of the basin. They convey to me any information within the radius of the basin from Claiborne street up, and I to them anything that is in the rear.

Q. Have you any knowledge of any persons whose names are on the pay-roll of that department, or who receive pay in that department, who perform no labor?—A. None whatever; I never have known any irregularity. It might exist, however, and yet I could not know it, because my duties are too arduous. It makes me travel twenty-five to thirty-five miles a day in order to perform my regular duties and to report daily.

Q. How are you paid by that department?—A. I was paid originally \$1 a day, but since last fall, I think, they have reduced our pay to \$3 a day.

Q. Are you paid on a voucher at the end of every month?—A. I am paid on a regular voucher.

Q. Who is the officer that hands you your voucher?—A. I receive them at the desk of the surveyor, from the chief deputy, and I then proceed to the office in the rear and there get my check.

Q. That is the auditor's office?—A. The auditor's office.

Q. What is the name of the auditor?—A. Upon my word, I do not know. Sometimes one person is exercising the position at the desk, and sometimes another. I never inquire into anything there, and I never remain a moment in that building longer than is necessary. I go to Mr. Simpson and present my check and get my money.

Q. Who is Mr. Simpson?—A. Paying-teller, or cashier.

Q. Is it not Mr. Aikman?—A. Yes, sir; it is now Mr. Aikman. The first time I received a check directly from him was the first of this month.

Q. Are you connected at all with the New Orleans Sanitary Excavating Company?—A. Not at all; neither directly or indirectly. I have been applied to on one or two occasions by the president of that company, who is an old friend of mine—we were officers in the New Orleans Railroad when I built it, and was running it—to give them the benefit of my judgment in the purchase of rolling-stock on one or two occasions, but I did that without any compensation.

Q. Are you connected with any railroad company?—A. No, sir, I am not; beyond having a stock interest.

NEW ORLEANS, *June 6, 1876.*

FREDERICK W. NIKOLL sworn and examined.

By Mr. REILLY :

Question. How long have you lived in this city?—Answer. Since 1844.

Q. Have you ever been employed in any capacity by the United States Government?—A. No, sir.

Q. What was your business in August, 1872?—A. Supervisor of registration of the Sixth ward.

Q. Was that an elective office by the people, or were you appointed?—A. I was appointed.

Q. By whom?—A. Governor Warmoth.

Q. Had you any other business at that time?—A. No, sir.

Q. Did you ever receive any pay from any officer of the United States Government at or about that time?—A. No, sir; not from any officer.

Q. Or from any person in the employ of the United States Government?—A. I could not say whether he was employed by the United States Government or not.

Q. Who are you speaking of?—A. Mr. Ferguson.

Q. Mr. George W. Ferguson?—A. Yes, sir.

By the CHAIRMAN:

Q. Do you know where George W. Ferguson is now?—A. No, sir, I do not; the last I heard of him was that he was in Washington.

Q. Do you know whether he is in the city?—A. No, sir; I do not.

Q. Would you be liable to know it if he was here?—A. I have not made any inquiries as to whether he is in town or not. I know him personally.

By Mr. REILLY:

Q. How much did you receive from him?—A. I believe at one time it was \$90.

Q. How much at any other time?—A. According to my recollection, I do not believe it was any more than that. I cannot be positive about more than that.

Q. What did you understand it was paid to you for?—A. It was in conversation between Sypher and myself and several others that he said he could not let us boys go on our own expense, and then I was handed this envelope by Mr. Ferguson.

Q. Where was this money paid you?—A. It was given me on Old Levee street.

Q. Was there any other person present at the time Ferguson handed you the money?—A. Yes, sir.

Q. How was the money given to you; was it just loose, or was it folded up?—A. It was in a yellow envelope.

Q. Was there any address on the envelope?—A. No, sir.

Q. Was not your name there, or anything of that kind?—A. No, sir.

Q. Did any of the other persons who were present at the time receive an envelope from Ferguson or anybody else?—A. That I could not say positively.

Q. What did you understand you were to do for this money or with this money?—A. He said he wanted us to go around canvassing.

Q. In the election campaign?—A. Yes, sir.

Q. Who for?—A. For Sypher.

Q. Did you sign any paper, receipt, or anything of that kind?—A. No, sir; not to my knowledge, I did not.

Q. Do you know whether a voucher was made out in the custom-house and your name attached to it?—A. Yes, sir.

Q. Did you sign that voucher?—A. I believe I did, but I cannot tell what time.

Q. For what was it?—A. I do not know.

Q. What kind of a paper was it that you signed?—A. It was three I signed.

Q. Were they double?—A. I believe they were.

Q. Was there printing on them?—A. Yes, sir; and a heading.

Q. Can you remember what they purported to be?—A. No, sir.

Q. Did you notice whether the custom-house heading was on them?—A. I could not tell.

Q. If there is a voucher or receipt with your name attached to it, purporting to be a receipt for \$93 for wages for services rendered to the United States in the month of August, 1872, is it true that you rendered any such service?—A. No; I could not tell.

Q. You know whether you did render such service; were you in the employ of the United States Government in August, 1872, in any capacity?—A. No, sir.

Q. If there be a voucher purporting to be a receipt from you for such services, it is not true, then, that you rendered such services?—A. No, sir; not to my knowledge. I do not know what voucher it was I signed.

Q. When was it you signed this voucher or paper?—A. I could not tell.

Q. Was it about the time you got the money?—A. No, sir; it was long before.

Q. Was it during that year?—A. I could not tell; I am not positive. I believe it was the first campaign of Mr. Sypher.

Q. You never rendered any services in the month of August, 1872, from which you would be entitled to receive any compensation from the United States Government?—A. No, sir; not to my knowledge. I have never rendered anything myself, or authorized anybody to act for me.

Q. Do you know whether any money was drawn from the United States Treasury upon your name, and upon a voucher that you had rendered services in the month of August, 1872?—A. That I cannot tell.

By Mr. CONGER:

Q. See if you cannot fix the time when you signed the paper that you think you did sign, what year it was.—A. I believe it was in 1870, but I will not be positive.

Q. Was 1870 the time you speak of when you say you received from Ferguson this \$90?—A. No, sir.

Q. When was that?—A. That was in 1872.

Q. When you received that money from Ferguson, did you sign any voucher that time?—A. No, sir.

Q. In the year you signed the voucher did you receive \$90?—A. I received then a hundred and some odd dollars.

Q. Was that money that you received at the time you signed the voucher for political campaigning?—A. I do not know what I received it for.

Q. Did money come that way to you without your knowing what it was for?—A. Yes, sir; I am here to testify truly. I do not know what I got it for.

Q. The hundred and odd dollars in 1870 came to you from whom?—A. I do not know.

Q. Whom did you understand it came from?—A. I could not tell.

Q. Did it come to you for anything you ever did?—A. Not that I know of.

Q. Or was it ever promised to you?—A. No, sir.

Q. Was it a legacy from a maiden aunt or anything of that kind?—A. I think not. I haven't got any maiden aunt.

Q. Was it paid by somebody to induce you to help in the campaign?—A. I do not know for what purpose it was.

Q. Did you help anybody in their canvass?—A. No, sir.

Q. Did you electioneer for anybody?—A. I electioneered for my party.

Q. Which party was that?—A. The conservative party.

Q. Do you mean the republican party?—A. No, sir; the liberal party—the democratic party.

Q. Was that the party that gave \$104 to you?—A. No, sir; it was the opposite side that gave me the money.

Q. Well, that party is the "liberal" party in giving, then?—A. They were liberal enough to give it, and I was enough of a liberal to take it.

Q. Have you no idea whom you got that \$104 from?—A. No, sir, I have not.

Q. Did you spend it for the purpose it was given you to spend?—A. I used it for my own purposes among my own party.

Q. For what purpose was it given to you?—A. I do not know for what purpose it was given to me. I could not tell the gentleman's name who paid me. I signed some document, but I do not know what it was.

Q. Was it given when you signed this document that you referred to?—A. Yes, sir; they paid me in the office in the custom-house.

Q. And for that you were expected to render some political service?—A. No, sir; not for that amount. Afterward, while I was supervisor of registration, I got one envelope, as I stated at first. I do not know what I got the money in 1870 for.

Q. Did you understand that it came from any particular individual for any political purpose?—A. No, sir; not to my knowledge.

Q. Did you ever have any curiosity about it?—A. No, sir; I was glad I got it. I was broke at that time.

Q. It was not paid by mistake at that time?—A. I could not tell you where it came from it came from the custom-house.

Q. You had no doubt but what it was intended for you?—A. It was intended for me. They told me to sign the paper. I received a note or envelope calling me to the custom-house.

Q. You cannot remember the man's name who paid it to you?—A. No, sir.

Q. Does he live in the city?—A. That I cannot tell.

Q. Did he then?—A. That I cannot tell.

Q. You do not mean you cannot tell?—A. I do not know; I am not familiar with him.

Q. You mean you do not know him?—A. I do not know him. If I knew, I would tell his name.

Q. Do you know whether he was a custom-house officer?—A. I supposed he was.

Q. Did you see him about the custom-house doing duties there?—A. At the time I was there, I saw him.

Q. Did you see him there before that?—A. No, sir; I was not there before. I had no business there before.

Q. All that makes you think he was a custom-house officer is that you saw him in the custom-house?—A. Yes, sir.

Q. The money you got from Ferguson, you knew what you were expected to do with?—A. Yes, sir.

Q. You were to help Sypher?—A. Yes, sir.

Q. That is, you ciphered for Sypher?—A. I ciphered for Sypher and I ciphered for myself.

Q. Did you cipher among the republicans for Sypher?—A. No, sir.

Q. But you did work for him somewhere?—A. No, sir; I did not work for him.

Q. What did you mean, then, by saying that you ciphered for Sypher?—A. I meant that I ciphered for myself. I ciphered on my side with Sypher's money.

Q. Did he ever appear to be grateful to you for it?—A. He was not very grateful, I suppose.

By Mr. REILLY:

Q. Where did you sign this voucher that you say you signed; was it in the custom house?—A. Yes, sir.

Q. Were there any other persons that signed vouchers or papers like the one you signed at the same time?—A. I could not tell; some were standing outside; two of them are dead. Their names are Ben Leggitt and McLean.

Q. Are you sure that Ben. Leggitt is dead?—A. Yes, sir.

Q. Do you know what Leggitt's business was at that time, in August, September, October, and November, 1872?—A. He was keeping a confectionery, I believe.

Q. Was he, to your knowledge, in the employ of the custom-house at that time?—A. From what I have heard, I believe he was.

Q. During that time?—A. From what I have heard I believe he was.

Q. Did you see him attending to his own business during that time?—A. I was working with him during that time.

Q. In 1872?—A. Yes, sir.

Q. Were you working with him in the custom-house?—A. No, sir; I was working with him in the confectionery.

Q. How long is he dead?—A. I believe he is dead about eight or nine months; I won't say the time for sure, though.

Q. Do you know whether he got any money at the same time you did?—A. I never saw him receive any.

Q. Did you ever hear him say he got any?—A. No, sir.

Q. He did not sign any voucher at the same time you did, that you saw?—A. No, sir.

Q. Do you know George Woolrich?—A. No, sir.

Q. Do you know Hugh Swann?—A. Yes, sir.

Q. Do you know what his business was in 1872?—A. No, sir.

Q. Do you know whether he was in the employ of the custom-house?—A. I could not tell you; I do not know.

Q. Do you know Thomas Fernon?—A. Yes, sir.

Q. Did you know him in 1872?—A. Yes, sir.

Q. Do you know what his business was?—A. He was supervisor of registration of the 7th ward.

Q. Was he, to your knowledge, during the fall of 1872, in the employ of the custom-house?—A. I do not know; I could not tell; I do not know what transactions he had.

Q. Do you know whether he received any money?—A. I could not say.

Q. You never heard him say he received any?—A. Not to my knowledge.

Q. Or have seen any paid to him?—A. Not to my knowledge.

Q. Do you know Henry Jurgens?—A. No, sir; I might know the party, but not know him by name.

Q. Do you know Benjamin Mancini?—A. Yes, sir.

Q. What was his business?—A. I believe he was a cotton-screw.

Q. Was he in the employ of the custom-house that you know of?—A. No, sir.

Q. Do you know whether he received any money from the custom-house?—A. I do not know.

Q. Do you know William Swann?—A. Yes, sir.

Q. Did you know him in 1872?—A. I did.

Q. What was his business then?—A. He was a coffee-house keeper.

Q. Was he in the employ of the custom-house?—A. Not that I know of.

Q. Do you know whether he received any money?—A. I do not.

Q. Or whether he signed any vouchers?—A. No, sir; I do not.

Q. Did you know H. C. Kinchen?—A. No, sir.

By Mr. DARRALL:

Q. Did you ever sign any pay-rolls yourself?—A. I signed one paper; a kind of a voucher.

By Mr. CONGER:

Q. You signed some papers in 1870, but none in 1872; is that correct?—A. Yes, sir.

By Mr. DARRALL:

Q. You signed no vouchers, or papers, or anything of that nature in 1872?—A. No, sir; I did not.

Q. But you received money in 1872 from Sypher?—A. I received money from Ferguson, but I never authorized anybody to sign any paper for me in 1872.

NEW ORLEANS, June 6, 1876.

OSCAR BARBEE sworn and examined.

By Mr. STEVENSON:

Question. Where do you live?—Answer. In Baton Rouge.

Q. What is your business?—A. I am an insurance agent at present.

Q. Have you been at any time a Government official in Louisiana?—A. I was, for, I think, about six months.

Q. What position did you hold?—A. I was collector of the second district.

Q. Where were your headquarters at that time?—A. At Baton Rouge.

Q. State if you were acquainted with Mr. Herwig.—A. Yes, sir. Mr. Ernest F. Herwig. I knew him in Baton Rouge.

Q. State if you have any knowledge of his being engaged in distilling in Baton Rouge?—A. Yes, sir.

Q. State all you know in regard to that, the manner in which it was carried on, and under what name?—A. I cannot give the dates precisely, because I have to state from memory alone, but I think that some time about December, 1865, or January, 1866, Mr. Herwig started a distillery in Baton Rouge and run it up to November, 1868, or possibly December. I went into the collector's office as clerk under Mr. Henry Bousher, who was collector of the district at the time I was employed. I am positive that I was in his employ the first of February, 1866. In June or July, 1866, I was given charge of the cashiership and the general supervision of the office. I maintained that position entirely through Mr. Bousher's administration of the office, through Mr. Duperier's administration, and through Mr. Bouligny's up to the time Mr. Bouligny was suspended. He was suspended, I think, in November or December, 1868. Supervisor Creacy, who was here investigating the affairs of the different collectors' offices in Louisiana, was up there and appointed me acting collector, very much to my dissatisfaction. Between the periods that I took charge of the cash of the office and the time that I was appointed acting collector, which was certainly from July, 1866, to November or December, 1868, Mr. Herwig was making whisky and paid no tax. I never was in the distillery in my life, but I saw what I supposed to be whisky, from the appearance of the packages that contained it being shipped on board boats for New Orleans. I saw it particularly on the steamer La Fourche, Captain John J. Brown. I saw in two instances parties wheeling off slops from the distillery for their cows.

Q. State if you know whether the distillery was being run at that time?—A. Mr. Herwig made his reports regularly every month that the distillery was not running, but that he was making soap, and time and again he exhibited samples of the soap he was manufacturing at our office. From the very moment that I was appointed to the collectorship I began to be a commissioned officer of the Government, and I stopped this thing, and told him he must stop; and he moved his distillery away.

Q. During what length of time that he reported he was engaged in the manufacture of soap was he actually engaged in making whisky?—A. I tried to arrive at that fact before leaving home. I called on the deputy collector at Baton Rouge, and asked permission to look over the reports that Mr. Herwig had made upon Form 14, and he informed me that those reports had mysteriously disappeared from the office. When I transferred the office to Captain Chapman, who was appointed to the collectorship of the district immediately after the inauguration of General Grant, which was about the first of July, all those reports were on file in the office at that time. Mr. Lehman tells me they are not there at present.

Q. Have you any knowledge of the capacity of the distillery at that time?—A. I have not, but there are parties living in Baton Rouge that ran the distillery at that time; at least, I am so informed.

Q. Have you any approximate idea as to the capacity of the distillery at that time?—A. I suppose, from the size of it, it would make from 5 to 10 barrels a day. I suppose so, but that is simply a supposition on my part, and I do not state it as a positive fact.

Q. Could you give an approximate idea of the amount of whisky made there upon which he paid no tax?—A. He did not pay any taxes at all. He certainly did not pay any between July, 1866, and October or November, 1868.

Q. The reports were made to you, were they not?—A. They were made to the office. I received the reports. I turned over the office to Mr. Chapman in the summer of 1869—either June or July. I stopped Mr. Herwig making whisky within 24 hours of my receiving my appointment, which I think was in December, 1868.

Q. It would be, then, merely a computation on your part, if you were to say what amount of whisky was manufactured there?—A. I could not say whether the distillery was run constantly during the time it was in Baton Rouge, but I saw, in passing at different periods, that it was running.

Q. Do you know who run the distillery as engineer at that time?—A. I think it was a colored man by the name of Neff, but I am not positive of that.

Q. Do you remember Neff's given name?—A. Charles Neff. There was Charles Doyle and Charles Neff, as I was told, employed in the distillery during the time it was run, and probably they assisted in getting the whisky out.

Q. Have you stated now all the facts you know about this thing?—A. Yes, sir; there are different parties in Baton Rouge that attended to the shipping of this whisky—steamboat agents and shipping clerks.

By Mr. REILLY:

Q. Which one of the Herwigs was the one that was engaged in distilling?—A. It is Ernest F. Herwig. I do not know whether he is deputy collector or senator, or what he is.

By the CHAIRMAN:

Q. Is this Herwig who ran the distillery, Mr. Felix Herwig?—A. No, sir; he is Mr. Ernest Herwig.

Q. Has Mr. Ernest Herwig ever held any Federal office?—A. I am unable to say.

By Mr. STEVENSON:

Q. Who was interested in that distillery at that time?—A. I am unable to say, except that the morning before I left I met Mr. Blackie, a commissioner of Baton Rouge, and he told me he had bought the distillery, and it was sold to him by the Messrs Herwig and Casey, but I have no knowledge of that fact beyond what he said.

Q. You do not know, of your own personal knowledge, what parties were interested in that distillery?—A. No, sir; I do not.

Q. Whom did you ever see about there?—A. Mr. Herwig was the ostensible owner and runner of the distillery.

By Mr. CONGER:

Q. When you say Mr. Herwig, you do not mean, then, the collector of customs here?—A. I do not know what he is doing here.

Q. I am talking about P. Felix Herwig?—A. I never saw P. Felix Herwig in my life, that is, to know him.

Q. What was the name of the collector in charge of that district, whose duty it was to attend to seeing to that distillery at the time before you had it?—A. E. M. Bouligny was the last one. There was another man named Duperier before Bouligny, but he was only in office some five months.

Q. After Bouligny, you came?—A. Yes, sir.

Q. When you came into office you said that they must not run that distillery, making whisky, but pretending to make soap, any longer?—A. I did.

Q. And you stopped the soap-business, whether it was whisky or soap?—A. I stopped it as soon as I became collector.

Q. Under whose administration were these three gentlemen, including yourself, at that time?—A. The administration of Mr. Johnson. Mr. McCulloch was Secretary of the Treasury, I think.

Q. During what year, and what time of the year, was it that you stopped the distillery running?—A. I think I stopped it in 1868, the latter part of the year, either November or December.

Q. Then you had stopped the fraudulent making of whisky before the new administration came in?—A. Yes, sir.

Q. Why was Bouligny removed when you were appointed?—A. He was charged with being a defaulter.

Q. Had his removal any connection with permitting this fraudulent distillery to go on?—A. None, sir, that I know of.

Q. While you were an officer there, if you saw signs of distilling going on, why did not you report them?—A. I was not an officer.

Q. Were you not an officer when you saw that going on?—A. No, sir; I knew it, but I was only a clerk in the department, and it was not my place to do so. I had no power to stop it. The very moment I was in power I did stop it.

Q. You were a clerk in the same department that had charge of it, the collector's department?—A. Yes, sir.

Q. And it came to your knowledge that there was crooked whisky, as you thought, there?—A. Yes, sir.

Q. You reported that?—A. I unquestionably did.

Q. In writing?—A. No; verbally.

Q. Did not they take any steps to attend to it?—A. If there was any steps taken it was not reported to me.

Q. After you had power to investigate, did you investigate that matter?—A. I didn't have time. I tell you the distillery stopped running in twenty-four hours.

Q. You could have looked back, though, over the ground, and see what had been done?—A. I can do that now. There is no doubt but what whisky was made there and was shipped.

Q. Have you any idea that there was any soap made?—A. I do not think there was.

Q. No soap except soft-soap?—A. I do not know even about the soft-soap. I cannot judge from the reports. I know that Mr. Herwig exhibited two or three very handsome samples of soap at the office to show the descriptions of soap that he was making.

Q. But you don't know whether it was really made at his distillery?—A. No, sir.

Q. Is there any natural connection between the two commodities of soap and crooked whisky, that you know of?—A. As I never made either, I cannot answer that question.

Q. Has the distillery ever run since?—A. No, sir.

Q. I want to ask you whether you informed any gentleman, in your preliminary examination, that it was Felix Herwig, the deputy collector, who ran this distillery?—A. No, sir; I did not know, even, that Felix Herwig was a deputy collector here.

Mr. Stevenson stated that the introduction of this gentleman was entirely under a misapprehension as to the person whom his evidence might affect. He asked, therefore, to have the testimony stricken out as a matter of justice to himself, (Mr. Stevenson,) and also to the witness, on the ground that the testimony was beyond the scope and line of inquiry confided to the committee.

Mr. Conger objected to the testimony being stricken out.

The chairman stated that the testimony could be stricken out only by unanimous consent.

NEW ORLEANS, June 6, 1876.

WILLIAM S. HENTHORN sworn and examined.

By Mr. REILLY:

Question. Where do you reside?—Answer. In this city.

Q. How long have you lived in this city?—A. I have lived in this city since the war permanently. I have been living here, off and on, since 1863.

Q. Have you ever been employed under the United States Government?—A. Yes, sir.

Q. In what capacity?—A. I was in the United States Government during the war as a Federal officer.

Q. Have you been employed in any civil capacity?—A. Since the war I have been in the United States custom-house.

Q. In this city?—A. Yes, sir.

Q. How long were you in the employ of the custom-house?—A. I was in there employed about a year and a half.

Q. What position did you have there?—A. I was in the position of an inspector of customs. I was detailed most of the time as assisting the boarding-officer at the Southwest Pass. A part of the time I was river-inspector. They used to have river-inspectors, but they dispensed with that service, and after that I was boarding-officer at Southwest Pass.

Q. Did you ever participate in any seizures that were made?—A. No, sir; I never did.

Q. Do you know of any seizures being made?—A. No, sir; not to my own personal knowledge; but I have heard of them.

Q. Do you know of any persons being paid by the custom-house who were not employed there, and who rendered no service to the Government?—A. I do not know that of my own personal knowledge. I have heard of that, however. Parties have told me so, but I have no knowledge of it myself.

Q. What parties told you so—parties outside, or parties who said that they themselves were the persons who received such pay?—A. It was the parties who claimed to have received the money.

Q. State who those parties were and what they said upon that subject?—A. There was one of the parties in 1872, just before I went into the custom-house, during the presidential campaign, that spoke to me about it. He was a steamboat-man and a friend of mine. I met him one day in front of the custom-house, and he had a roll of money in his hand. I knew he had been idle some time, and I remarked, "Where have you been making a raise?" He said he had just got that out of the custom-house. I said I was not aware that he was in the custom-house. He said he was; that he was on the rolls, but that he did not do any duty. His name is Williams.

Q. What is his full name?—A. Ben Williams.

Q. Can you remember what month that was in?—A. I could not.

Q. What period of the year was it?—A. It was during the summer time. It was along, I think, in the latter part of August or the first of September.

Q. Do you know what amount of money he received on that occasion?—A. He showed up about \$90. He opened his roll, and I think that is what he claimed to have—\$90.

Q. Was this in the custom-house?—A. No, sir; it was outside of the custom-house.

Q. Immediately in front of it?—A. Right on the corner, just below the building. He talked with me a few moments and asked me to take a drink. We turned around to take a drink, and he pulled out this roll of money.

Q. Did you meet him there, or did you see him come out of the custom-house?—A. I met him there; I was on my way from the levee.

Q. What did he say as to being on the rolls, or as to what entitled him to this money, or did he give no reason?—A. He did not give any reason. I was in no way interested in custom-house matters myself, and I did not question him about it. He was a man whose word I could not rely upon about anything. I never regarded him as a very truthful man. I remarked to several parties about his having the money, and they said they understood the same thing, that he was on the post-roll, or dead-roll, or something of that kind, in the custom-house.

Q. Do you know where he is now?—A. I do not, and I have not seen him for several years.

Q. He has not been a resident of this locality that you know of lately?—A. No, sir. He formerly lived in Cincinnati, but whether he is living there now, I do not know.

Q. Did you ever hear any other person make any statement of that kind?—A. Yes, sir; one other party I heard claim to have received money out of the custom-house.

Q. Who was that?—A. A man by the name of McMickle.

Q. What is his first name?—A. His first name is James McMickle.

Q. Is that the man that was here as a witness?—A. Yes, sir; but I see his name in the papers is different from any name I ever knew.

Q. Do you know of any other?—A. No, sir.

Q. Do you know of any other violation or irregularity of the law that came under your observation while you were in the custom-house?—A. None at all. I never knew of anything of the kind. I was not directly connected with the building. I was most of the time down at the pass. I heard a great many things and rumors of irregularities, but nothing ever came under my own special observation.

Q. You attended to your own special duties, and rendered the service for which you were paid?—A. Yes, sir.

By Mr. CONGER:

Q. You do not know whether Ben Williams was ever in the employ of the custom-house or not of your own personal knowledge?—A. No, sir; I only know from his say so, and that is all.

Q. And there is no statement of his that you could place much reliance on any way?—A. I could not place much reliance on him, but I thought it was strange that he should have that quantity of money. I have thought several times since about it. At that time I did not know anything about the regulations of the custom-house.

Q. What time of 1872 was this?—A. Either August or September; I could not say positively.

NEW ORLEANS, June 6, 1876.

JOHN TOAL sworn and examined.

By Mr. REILLY:

Question. Where do you live?—Answer. In Dryades street, between Julia and Saint Joseph.

Q. How long have you lived here?—A. About twenty-four years.

Q. What is your business?—A. Stone-cutter.

Q. State whether you have been employed on any Government work?—A. Yes, sir; I have been in the employ of the United States custom-house.

Q. When?—A. The 1st of December, 1874.

Q. How long did you work there?—A. Until January 10, 1875.

Q. What were you working at?—A. I was working in the central hall.

Q. At your trade?—A. Yes, sir.

Q. What wages did you receive?—A. \$2 a day.

Q. Have you signed any voucher or pay-roll?—A. Yes, sir.

Q. For what amount?—A. There is no amount on them.

Q. You signed the roll in blank?—A. Yes, sir.

Q. Did you see those rolls afterward?—A. Yes, sir.

Q. Where?—A. Down at the custom-house.

Q. Were they filled out then?—A. Yes, sir.

Q. For what amount?—A. Three dollars a day.

Q. Did you ever receive that amount for the time you worked there?—A. No, sir; I received \$2 a day for the time I worked there.

Q. Look at this roll [producing a roll] and see if it was a paper like that, or if that is the one you signed.—A. This is the one I signed; this is my signature, [pointing;] I am positive that it is in my handwriting.

Q. How many days did you work in December, 1874?—A. Twenty-seven days.

Q. This purports to be a receipt by you, for twenty-seven days' work in the month of December, 1874, at \$3 a day, amounting to \$81; did you receive that amount of money?—A. No, sir; I received either \$54 or \$55.

By Mr. STEVENSON:

Q. How much is it a receipt for?—A. Eighty-one dollars.

By Mr. REILLY:

Q. Do you know how that came to be filled out for \$3?—A. No, sir.

Q. When you signed this pay-roll, was there any writing in it?—A. No, sir.

Q. You signed opposite your name?—A. Yes, sir.

Q. Were you paid at the time you signed this?—A. About two months afterward.

Q. How many days did you work in January, 1875?—A. I think I worked ten days in January.

Q. Is that your best recollection of the time, ten days?—A. Yes, sir; that is my best recollection.

Q. Did you sign the pay-roll then?—A. No, sir; I did not sign any pay-roll at all in January.

Q. How much money did you get?—A. I received \$20.

Q. Look at this [showing pay-roll] and see if this is your signature?—A. That is my name, but that is not my signature.

Q. You did not write that?—A. No, sir.

Q. Did you know any other man of that name that was working there?—A. No, sir; there were none there.

Q. This purports to be a payment for twenty-five days' labor at \$3 a day, amounting to \$75; you say you did not sign that?—A. No, sir; I did not sign that.

Q. Nor did you receive that amount?—A. No, sir.

Q. The amount you received was \$20, for ten days' labor at \$2 a day?—A. Yes, sir.

Q. And you signed no pay-roll at all of any kind for that?—A. No pay-roll; I received that money in the street.

Q. And there was no other man working on that building by that name that you know of?—A. No, sir.

Q. Did you work any in February?—A. No, sir; I was discharged about the 20th of January. I did not go around there until the 20th of January, and I was then informed that I was discharged, and I went around to the office and met Mr. Hannon and he paid me \$20 in the street.

Q. Do you know whose handwriting this is which purports to be your signature?—A. No, sir; I never saw that handwriting before.

By Mr. CONGER:

Q. Which ten days in January did you work?—A. The first ten days of the month.

Q. Then you left the 10th or 11th, or somewhere about that?—A. I did not come on the 11th of the month, but staid away and came back two weeks afterward, and was told I was discharged.

Q. When was this \$20 paid you?—A. I do not know the exact date; it was about the 20th of the month; somewhere around there.

Q. It was about the time you were told you were discharged?—A. That same evening.

Q. Who told you you were discharged?—A. Mr. Hannon.

Q. Who employed you to work there?—A. Mr. Hannon.

Q. Who was Mr. Hannon?—A. He was foreman of the central hall.

Q. Whose foreman was he?—A. He was supposed to be foreman for Kurscheedt & Bienvenu.

Q. Were Kurscheedt and Bienvenu contractors and stone-cutters?—A. I do not know.

Q. Did they pretend to have charge of the work you were to work on?—A. I saw them there off and on. Sometimes Mr. Hannon would be absent and I would see them there once in a while.

Q. You say Mr. Hannon hired you?—A. Yes, sir.

Q. He was not a custom-house officer, was he?—A. He was under Kurscheedt & Bienvenu as far as I can understand.

Q. He was their foreman and he hired you and he paid you, didn't he?—A. Yes, sir; that is it.

Q. He paid you both times?—A. Yes, sir; he paid me both times.

Q. Where did he pay you the first time?—A. He paid me in Kurscheedt & Bienvenu's office the first time.

Q. Where is that?—A. That is on Camp street, between Julia and La Fayette.

Q. Where did he pay you the second time?—A. He paid me between the shop and the corner of Camp and La Fayette.

Q. You were not paid at the custom-house?—A. No, sir.

Q. You did not sign any papers at the custom-house?—A. No, sir.

Q. You signed for the money at Kurscheedt & Bienvenu's store?—A. Yes, sir.

Q. This paper that you signed, whatever it was, was in the possession of Kurscheedt & Bienvenu, at their store?—A. Yes, sir.

Q. Did you understand it to be a list of their workmen?—A. Yes, sir; all the workmen were there signing it.

Q. And the names that were on that were all written on it the same as yours was when you signed it?—A. Yes, sir; pretty nearly the whole of them. I was pretty near the last man on the roll.

Q. The other men came to the same store that you did and signed that paper which was there?—A. Yes, sir; some of them did.

Q. And they got their pay?—A. Yes, sir.

Q. You do not know of any custom-house officer that had anything to do with it?—A. No, sir; I do not know any of the custom-house officers.

Q. What means have you of recollecting now how you employed that last month when you say you only worked ten days; this is a year and a half ago; can you remember what

you were doing the rest of the month, or whether you were at work then for somebody else?—A. No, sir; I was not doing anything during the rest of the month. I was sick one part of the month; the latter part.

Q. When were you taken sick?—A. About the 4th of February.

Q. That was the next month?—A. Yes, sir; it was at the first of the next month that I was taken sick.

Q. What is there that makes you recollect that you were not sick in January, and that makes you recollect you did not work in January?—A. I staid away from the custom-house and lost a couple of days; when I came back I was told I was discharged, and I didn't do anything afterward.

Q. Can you remember when it was that you were told that you were discharged?—A. I cannot remember the date.

Q. Can you remember whether it was the last of the month?—A. It was pretty near the last of the month—somewhere around the twentieth of the month.

Q. Might it not have been later than the twentieth?—A. It might have been a couple of days later.

Q. Might it not have been as late as the last day of the month?—A. No, sir; it was not that late.

Q. Was it as late as the 28th or 29th?—A. I cannot be positive.

Q. You had been gone two days from work?—A. I had been gone perhaps more than two days.

Q. I understood you to say that you had been gone a day or two and when you came back they said you were discharged?—A. Yes, sir.

Q. So that if it was as late as the 28th or 29th and you were only gone a day or two you must have worked longer than ten days?—A. No, sir; I am positive I did not work longer than ten days.

Q. What makes you think so?—A. I am sure I did not work longer, and I know I received only \$20.

Q. Have you got any memorandum of it?—A. No, sir; but I remember exactly what I did.

Q. Did you keep a memorandum-book with your time in?—A. No, sir.

Q. Did you keep any memorandum-book in which there was a record of the moneys paid you?—A. No, sir.

Q. You are stating this now from memory simply?—A. I am certain I did not receive any more or any less.

Q. But it is from memory alone that you judge that?—A. Yes, sir.

Q. You cannot state certainly what day of the month it was that they told you that you were discharged?—A. No, sir; I cannot recollect.

Q. And you think you had only been gone a day or two when you came back and reported for work?—A. It might have been a little over a day or two.

Q. But your best recollection is that it was a day or two?—A. Yes, sir.

Q. How long was it after you were discharged before you were taken sick?—A. It was the 4th of February that I was taken sick.

Q. About how long after you were discharged were you taken sick; was it a week or three days?—A. It might have been something like six or seven days.

[Mr. REILLY asked that the pay-roll for January, 1875, be made part of the record. The pay-roll is as follows:]

"No. 4. Pay-roll of mechanics and laborers of United States custom-house and post-office during the month of January, 1875, New Orleans, La.

"We, the undersigned, acknowledge to have received from James F. Casey, disbursing-agent the amounts hereunto set opposite our names, respectively, in full payment of our services for the time specified.

(Here follow the names of the laborers, all of which purport to be for twenty-five days' labor, including, among other names, that of the witness.)

"I certify that the services charged in the above roll were actually performed and necessary to the construction of the United States custom-house and post-office, and that the compensations paid were just and reasonable.

"J. F. MORSE, *Superintendent.*"

The roll is indorsed, "Voucher 4. Pay-roll for the month of January, 1875. Brick-masonry, stone-masonry, stone-cutting, carpentry, blacksmithing, plumbing, rigging, machinists, teamstering, engine-men, laborers, \$1,554."

(The roll is all printed, except "4," and the names and figures.)

NEW ORLEANS, June 6, 1876.

GEORGE E. HEAD sworn and examined.

By Mr. REILLY:

Question. Do you appear before the committee in your own behalf, or in obedience to a

subpœna issued by the committee or by any other person?—Answer. Both; I have the subpœna, which is here, [showing it,] and I also appear in my own behalf, as I desire to make a statement to the committee in regard to a charge of my having received a bribe, which is made against me by Selye, and which I saw published in the newspapers. I appear at my own request.

By the CHAIRMAN :

Q. What is your occupation?—A. I am captain in the United States Army, in the Third Infantry.

Q. Where have you been stationed in the last few years?—A. From September, 1874, to about the 7th January, in Monroe, La. Then, until the 7th May, at Vicksburgh, Miss., and after that at the headquarters of my regiment here in New Orleans, Jackson Barracks, with the exception of the summer months, when I have been to Mississippi City and Holly Springs for the summer.

Q. Were you on detached service at Monroe?—A. Yes, sir; detached service from my regiment. I was commanding the post there.

Q. Under whose orders?—A. General Merrill, commanding the district of the Upper Red River, and General Emory, who commanded the district of the Gulf.

Q. You commanded a company?—A. I commanded a post and company both.

Q. Where had you been on duty before going to Monroe in September?—A. At Holly Springs, Miss., and at the time of the troubles of the 17th September for about a week in New Orleans.

Q. You reached here about the 17th September?—A. The next day, I believe.

Q. You were ordered then from New Orleans to Monroe?—A. Yes, sir.

Q. Did that order come direct from the colonel of your regiment, who was your immediate commander?—A. At that time my immediate commander was Col. Floyd-Jones, the colonel of my regiment. The order came from department headquarters, General Emory, who alone could give me the order.

Q. It came through your immediate commander, however?—A. Yes, sir.

Q. Did you receive any special instructions when assigned to duty as commander of the post at Monroe?—A. Yes, sir; I received circular No. 3, as it is called, from headquarters, Department of the Gulf.

Q. Can you state what the substance of those instructions was?—A. I do not believe there is a man on earth who can do it. I have studied those instructions, and they mean nothing. They convey no idea whatever to any military officer of what he is to do.

Q. What did you do when you got there?—A. I assumed command of the post, and did nothing.

Q. And your company?—A. I put my company in quarters at Monroe.

Q. Did you receive any orders, after you took command of the post, from General Merrill?—A. Yes, sir; I was not placed under General Merrill's orders at once. The order placing me under General Merrill I have now in my pocket, and will now submit to the committee. I then received orders from him, as my district commander.

“HEADQUARTERS DEPARTMENT OF THE GULF,

“*New Orleans, La., October 16, 1874.*

“SIR: I am directed by the department commander to write you as follows:

“The troops furnished the deputy marshal, to assist him in serving writs, will only be out the reasonable necessary time required to serve such writs.

“The establishing of outposts is not authorized, nor are any movements of troops which will require additional transportation, without first receiving authority from these headquarters.

“Orders have been received from the Secretary of War, directing that no orders for movements, based on the requisition of the governor, which will require additional transportation be issued, without first submitting them to the Secretary for his approval.

“By a recent order from these headquarters, a copy of which has been sent you, your post is in the district of the Upper Red River, under command of Major Merrill, with headquarters at Shreveport.

“I am, sir, very respectfully, your obedient servant,

“E. R. PLATT,

“*Assistant Adjutant-General.*

“Capt. GEORGE E. HEAD,

“*Third Infantry, Commanding United States Troops, Monroe, La.*

“I certify on honor that the foregoing is a true copy,

“GEO. E. HEAD,

“*Captain, Third Infantry.*”

Q. General Merrill commanded the district embracing your post?—A. Yes, sir. My post was added to his district after I got there.

Q. Can you give us the substance of any papers you may have received from him?—A. I have got the orders here, I think.

Q. Were you ordered to preserve the peace or to move your company away from there by him?—A. No, sir. I received no order from General Merrill in relation to keeping the peace or anything of that kind, except an order, which I have here, directing me to be governed by my orders in supporting the United States marshal in making arrests. That is all, I think, I received from General Merrill at that time.

Q. You have a copy of that order which you will submit to the committee?—A. Yes, sir.

Q. Did you have any conversation with General Merrill about the particular use to be made of your troops, or any verbal instructions from him?—A. No, sir. General Merrill was in Shreveport and I was in Monroe. He did not come there to Monroe.

Q. Did you employ your troops in sustaining the United States marshal or in making arrests?—A. No arrests were made by my troops at all.

Q. Did you employ them to sustain the authority of anybody who made arrests?—A. No, I did not, because no arrests were made, but I moved the troops from Monroe to Vienna and Farmersville with that intention, and, had arrests been made at that time, my troops, under my orders, would have assisted the marshal. No arrests being made, they were not used.

Q. Who was the United States marshal or deputy marshal?—A. Edgar Selye.

Q. Was he at Monroe?—A. Edgar Selye, in the first place, and afterward a Mr. Dingrave.

Q. Who were the United States commissioners?—A. I do not know. Selye had warrants signed by a Mr. Grant, I think William Grant, of New Orleans. He also told me that he had warrants signed by a Mr. Baker, of Monroe, but I have very grave doubts whether Mr. Baker was a United States commissioner or not, though I do not know. I never saw any warrants signed by Mr. Baker.

Q. At any time did this United States marshal call on you to sustain his authority, for the purpose of making arrests?—A. Yes, sir; he made a requisition on me about the first third of October, 1874, for a commissioned officer and forty men to accompany him to Vienna and Farmersville, North Louisiana, to assist him in making arrests. I issued an order for Lieutenant Roe, my second in command, and twenty-three men, which were all I could spare to go.

Q. He made this requisition in due form—a written requisition?—A. I have the requisition here, a written requisition on myself, with the order I issued:

“OFFICE OF SPECIAL AGENT POST-OFFICE DEPARTMENT,

“MONROE, OUACHITA PARISH, LA.,

“October 14, 1874.

“SIR: I have the honor to inclose herewith, for your information, certified copy of telegram received on the 12th instant, from Captain Daingerfield Parker, Third Infantry, Shreveport, Caddo Parish, La.

“Very respectfully, your obedient servant,

“EDGAR SELYE,

“Deputy United States Marshal for Louisiana District.

“Major GEORGE E. HEAD,

“Commanding United States Forces, Monroe, Ouachita Parish, La.

“I certify, on honor, that the above is a true copy.

“GEO. E. HEAD,
“Captain Third Infantry.”

“SHREVEPORT, LA.,

“October 12, 1874.

“Deputy Marshal EDGAR SELYE,

“Monroe, La.:

“Am directed by General Emory to say, you must apply for troops to commanding officer at Monroe, as the company there is for the purpose of assisting in serving writs, and you must exhaust that force before applying elsewhere.

“D. PARKER,
“Captain Third Infantry.

“A true copy.

“EDGAR SELYE,
“Deputy United States Marshal.

I certify, on honor, that the above is a true copy.

“GEO. E. HEAD,
“Captain Third Infantry.”

" OFFICE OF SPECIAL AGENT POST-OFFICE DEPARTMENT,
" MONROE, OUACHITA PARISH, LA.,
" October 14, 1874.

" SIR : I have the honor to make requisition upon you to furnish me one commissioned officer and twenty-three enlisted men, to report to me at Vienna, Lincoln Parish, La., without delay, to assist me in executing writs upon offenders against United States laws.

" Detachment should leave Monroe not later than Thursday morning, 15th instant.

" Very respectfully, your obedient servant,

" EDGAR SELYE,
" Deputy United States Marshal for Louisiana District.

" Major GEORGE E. HEAD,

" Commanding United States Forces, Monroe, Ouachita Parish, La.

" I certify, on honor, that the above is a true copy.

" GEO. E. HEAD,
" Captain Third Infantry."

" HEADQUARTERS UNITED STATES TROOPS,
" CAMP AT MONROE, LOUISIANA,
" October 14, 1874.

[" Special Orders No. 6.]

" I. Second Lieut. F. W. Roe, Third Infantry, three non-commissioned officers and twenty privates Company B, Third Infantry, will proceed to Vienna, La., where they will go into camp and assist the United States deputy marshal in executing such writs as he may have. After the writs are executed, one sergeant and six privates will be left at Vienna until further orders, and Lieutenant Roe and the remainder of the detachment will proceed to Farmersville, La., where he will perform the like duty. After the completion of this duty he will return to this post.

" II. The detachment to be left at Vienna will take fourteen days' rations ; the remainder of the party will be provisioned for seven days. One hundred rounds of ammunition per man will be taken with the detachment.

" III. Lieutenant Roe will be governed in the performance of this duty and the reports to be made, by Circular No. 3, headquarters Department of the Gulf, Holly Springs, Miss., August 13, 1874.

" IV. The Quartermaster's Department will furnish the necessary transportation.

" V. The above directions are general. If circumstances should occur to compel a deviation of these orders, Lieutenant Roe will consult with the deputy marshal, and act to the best of his judgment, reporting his action at once to these headquarters.

" By order of Captain Head :

" F. W. ROE,
" Second Lieutenant Third Infantry, Post Adjutant.

" I certify, on honor, that the foregoing is a true copy.

" GEO. E. HEAD,
" Captain Third Infantry.

" I certify that but seven days' rations were issued to the detachment moving under this order, by order of Captain Head, Third Infantry, verbally given to myself, at the time acting commissary sergeant. The reduction of rations was made by the personal order of Captain Head, given to me at the time.

" JNO. L. SLOANE,
" First Sergeant Company B, Third Infantry."

Q. Was any other person present when he made this requisition, if he delivered it in person ?—A. No, sir ; it was delivered to me in writing at my headquarters.

Q. By him in person ?—A. I really forget. I know I got the requisition.

Q. Had you any conversation with him about the purpose for which he was going to make these arrests ?—A. I had a conversation with him after the requisition was made.

Q. And before he went to make the arrests ?—A. Yes, sir.

Q. Had you any conversation with him as to the necessity which might exist for making these arrests ?—A. Yes, sir. I had informed Mr. Selye that it would be necessary for me to write to General Emory, under my orders, to see what would be done. He then furnished me with a statement in writing, which I have here :

" OFFICE OF SPECIAL AGENT POST-OFFICE DEPARTMENT,
" MONROE, OUACHITA PARISH, LA.,
" October 14, 1874.

" SIR : I have the honor to inform you, in reply to your verbal request, that the necessity

for the troops asked for in my communication of this date is necessary, urgent, and required immediately.

"Very respectfully, your obedient servant,

"EDGAR SELYE,

"Deputy United States Marshal for Louisiana District.

"Major GEORGE E. HEAD,

"Commanding United States Forces, Monroe, La.

"I certify, on honor, that the above is a true copy.

"GEO. E. HEAD,

"Captain Third Infantry."

Q. Perhaps you had better make your general statement now.—A. In the first third of October, 1874, Selye offered me a bribe of a majority in a new regiment, which he said was going to be formed, provided I would permit my troops to be used according to his dictation, for, as I understood, the furtherance of the success of the radical party in the election. About the same time that I received this requisition for a commissioned officer and the troops to go to Vienna and Farmersville, certain things excited my suspicions. My order had previously been given for Lieutenant Roe to go. I then changed the order and issued a new order, which I now lay before the committee :

"HEADQUARTERS UNITED STATES TROOPS,

"CAMP AT MONROE, LA.,

"October 15, 1874.

"[Special Orders No. 7.]

"I. So much of Special Order No. 6, current series, from this office, which orders Lieut. F. W. Roe, Third Infantry, to command the detachment ordered from this post to Vienna and Farmersville, La., is hereby revoked.

"II. Capt. G. E. Head, Third Infantry, will take command of the detachment specified in Special Order No. 6, current series, from these headquarters, and will be governed by the orders hitherto given to Lieutenant Roe, who will turn them over to Captain Head for his guidance.

"In regard to the commissary supplies, the same orders will obtain which have already been issued for the detachment under command of Lieutenant Roe.

"The Quartermaster's Department will furnish the necessary transportation.

"By order of Captain Head :

"F. W. ROE,

"Second Lieutenant Third Infantry, Post-Adjutant.

"I certify, on honor, that the above is a true copy.

"GEO. E. HEAD,

"Captain Third Infantry."

WITNESS. I wished to see with my own eyes what was going on, and detailed myself in Lieutenant Roe's place, which I call the attention of the committee to, as an extraordinary thing for a post-commander to do. I went to Vienna, left a detachment there at Selye's request, and went to Farmersville. I there met Mr. Morey, the member of Congress. Selye there requested me to place these troops permanently in camp in Vienna and Farmersville. Now, if I had accepted this bribe, all I had to win my majority was to leave the troops there. On the contrary, I did exactly the opposite, as I will proceed to show. This bribe of a majority, in a new regiment, however, I will say was utter nonsense. There was not a commissioned officer in the United States Army who did not know that so far from Congress increasing the Army the chances were that they would reduce it, and we were all, at the time, shaking in our shoes on that account. I will now read you extracts from my post-diary. I think, had Mr. Selye known that in every military post of the country an exact record is kept of everything he would not have given his testimony.

"HEADQUARTERS MONROE, LA.,

"October 14, 1874.

"COLONEL : I have the honor respectfully to inform you that I have ordered Lieutenant Roe and twenty-three enlisted men to proceed to Vienna, La., to assist Deputy United States Marshal Edgar Selye to execute certain writs upon his requisition, a certified copy of which I inclose. I inclose, also, a copy of a telegram from Captain Parker, Third Infantry, at Shreveport, on which mainly my action in this matter has been based, as I considered that it represented the wishes of the general commanding. After the writs have been executed at Vienna, the marshal has requested me to have a sergeant and six men left at Vienna, and to direct Lieutenant Roe, with the rest of the detachment, to proceed to Farm-

ersville, to assist him in executing similar writs. I have issued the necessary orders for this movement; the marshal, however, states to me that he may require the presence of the troops at these two points (Vienna and Farmersville) for several weeks; the effect of this will be as follows:

"The post of Monroe will be virtually divided into three posts; myself, with twenty men, at Monroe, seven enlisted men at Vienna, and the remainder of the command, under Lieutenant Roe, at Farmersville. To supply these troops from the central post, at Monroe, with provisions and wood, I have only one four-mule team. Vienna is thirty-five miles from Monroe, and Farmersville is twenty-eight miles from Monroe, in a different direction from Vienna.

"To supply either one of those outposts, I must have additional transportation. I therefore respectfully request specific instructions on the following points: After the detachment now under orders, under command of Lieutenant Roe, has finished its duty of assisting the United States marshal in executing his writs, shall I establish these outposts at Vienna and Farmersville, or shall I recall them to this post? If the general commanding shall decide to establish these outposts, I respectfully request to be authorized to hire the necessary transportation to supply them.

"The United States marshal informs me that it may be necessary, to enable him to execute his writs, to establish these outposts. This I cannot see, nor do I believe it. If the writs cannot be executed at once, it seems to me that the troops could return to this post and move out again when required, remaining at Farmersville and Vienna for merely the reasonable time which, in the judgment of the officer commanding the detachment, would be sufficient to execute the writs.

"It would enable me to execute the duty now devolving upon me, if I could have attached to my post a detachment of twenty-five cavalry, under charge of a commissioned officer, if possible, (although a commissioned officer is not absolutely necessary,) as Lieutenant Roe, being acting assistant quartermaster, and assistant commissary of subsistence at this post, cannot conveniently be detached from the headquarters of the post for more than a few days at a time.

"Will Colonel Platt please inform me as soon as possible what decision the general commanding may make in regard to these matters which I have submitted for his consideration? I again reiterate my request for specific instructions as to whether I shall establish these outposts at Vienna and Farmersville, which, if established, would have to remain there at least a month at heavy expense, or whether I shall recall them after the performance of their duty.

"To lay the matter clearly before the general commanding, I will state here that any delay on the part of the United States marshal, on account of the absence of the parties to be arrested, or, if they have escaped, a delay in hopes of their return, a delay, I mean, of a month or more, will be practically the establishment of these two outposts. The point on which I wish to be instructed is this: Shall I permit the troops under my command to be used in this manner on a requisition of the United States marshal for this length of time, which, as I have previously explained, will be actually establishing two outposts, or shall I not?

"I have the honor to be, sir, very respectfully, your obedient servant,

"GEO. E. HEAD,

"Captain Third Infantry, Commanding.

"Col. E. R. PLATT,

"Assistant Adjutant General, Department of the Gulf.

"I certify, on honor, that the above is a true copy.

"_____
"Captain Third Infantry."

WITNESS. I can use no language which I know of in my own English tongue stronger than that to show what I actually did. This is the record of my acts.

I will now turn again to my post records and will show the committee a letter written by Lieutenant Roe, my second in command, then commanding at headquarters. He showed me this letter; which I approved, and thereby made it my own:

"HEADQUARTERS UNITED STATES TROOPS,

"CAMP AT MONROE, LA.,

"October 19, 1874.

"To the Commanding Officer, District of the Upper Red River, Shreveport, La.:

"SIR: Deeming it necessary that the present status and distribution of the troops of this command should be known by the district commander, I have the honor to inclose herewith a copy of communication from the department commander, together with copies of two special orders, issued from these headquarters, and to which the communication is relative.

"This communication from department headquarters reached this office after the departure of Captain Head and the detail specified in the inclosed order for Vienna and Farmersville. Immediately upon its receipt I forwarded a copy to Captain Head at each of the above-men-

tioned places. Special Order No. —, current series, from department headquarters, was also received at this office after the departure of the detail.

"There are now at this post twenty enlisted men, of whom there are for duty seven privates and four non-commissioned officers. As regards transportation, the post is provided with one wagon and four mule team, which, besides being almost indispensable at this camp for providing the command with water and for police purposes, would be totally inadequate to supply troops stationed at either Vienna or Farmersville with fuel, forage, and rations. In conversation with Deputy Marshal Edgar Selye, on whose requisition the troops were furnished, he informed me that it would be necessary for these details to remain at Vienna and Farmersville for at least two, and probably for three, weeks, to enable him to serve all of the writs which were to be served; and in a subsequent conversation with the Hon. Frank Morey, member of Congress from this district, I was informed that the principal object in having those details at those places was the moral influence which their presence there would exert in a political point of view, and not for the purpose of assisting in making arrests, as he (Mr. Morey) regarded such troops (infantry) worthless for this purpose.

"I venture to submit this for the information of the district commander, and trust that he will not regard it as bad judgment, but as a statement made with the view only of arriving at facts as they stand. ¶

"F. W. ROE,

"Second Lieutenant Third Infantry.

"I certify, on honor, that the above is a true copy

"———,

"Captain Third Infantry."

By the CHAIRMAN:

Q. What is the proper interpretation of "bad judgment" in that letter; does it mean bad judgment on the part of Mr. Morey or in his behalf?—A. Whether it was not bad judgment on the part of Lieutenant Roe in communicating these facts and forming this judgment, that the troops were not to be used for their legitimate purpose of assisting Selye in making these arrests. I will add here it was a judgment which I myself formed at Farmersville, and I returned from Farmersville at 4 o'clock in the afternoon, driving all night through the swamps of Louisiana to get to my headquarters for this very reason.

By Mr. NEW:

Q. For what reason?—A. Because I did not think the troops were used for their legitimate purpose at Vienna and Farmersville; in fact, I know they were not. I have no hesitation in swearing to the fact. Selye made no arrests, and attempted to make none, and there were none made there either. Selye has stated that I was completely under the control of Mr. Morey. So far from that being so, it is a notorious fact in Monroe, and was at the time, that Mr. Morey and myself differed so much on the subject of the use of the United States troops, that it was said the member of Congress and the military commandant were at swords' points with each other on that. A hundred men of Monroe, of all parties, would swear to this before you. So much so was this that Mr. Morey actually requested General Emory to have me relieved from my command, as General Emory, General Merrill, and Lieutenant Roe, my second in command, all know. I am very sure General Emory will himself testify to the fact, and it is almost a matter of record here at headquarters. The difference between myself and Mr. Morey was so marked that several colored men whom I had in my employ to give me information refused to act any further for me, stating that I was an enemy to Mr. Morey and to their race, and I had to send for a colored preacher, a Mr. Johnson, of Monroe, before I could make these men return to their allegiance to me, it being necessary for me at that time to have information for the safety of my post. Had Mr. Selye been wise, he would have said that I had accepted this bribe, but that Mr. Morey refusing to ratify it, I then turned in hostility against him. Very fortunately for the truth, he has placed himself on record in precisely the opposite way, and I am enabled to prove that, so far as I am concerned, he has committed perjury, for two things must have happened, if I ever accepted this bribe—one, that I must have been a perfect-born fool to have taken such a bribe, and another that I must have done exactly the opposite of what the records of my post show I did. Commissions by bribery are not won by going directly against the man who has offered you the bribe. I have no reason to personally like Mr. Morey, but justice to that gentleman compels me to say that never at any time has he ever approached me with any attempt at a bribe.

By the CHAIRMAN:

Q. You say that ultimately there was some hostile feeling between Mr. Morey and yourself?—A. Yes, sir.

Q. Was any attempt made on his part to induce you, as a Federal officer, to use your authority for political purposes?—A. Not by Mr. Morey himself. Mr. Morey never gave me his confidence, nor should I have accepted it if he had. All the attempts made to induce me to use my troops for political purposes were made by Selye, who represented himself as Morey's agent. With Mr. Morey I had really very little to do—that is, personally.

Q. Mr. Morey was a candidate in that campaign?—A. Yes, sir; he and Mr. Spencer were running against each other for Congress.

Q. You say he met you and Major Selye at Farmersville?—A. Mr. Morey met me at Farmersville; but all Mr. Morey did there was to support the solicitations of Selye for me to keep up these two outposts. The great difference between Mr. Selye and myself was on the permanence of these outposts, and Selye had offered me his bribe to keep those two outposts at Vienna and Farmersville. In answer to Mr. Roe's letter, I received a positive order from General Merrill to keep these outposts at Vienna and Farmersville. In answer to my own letter to General Merrill, I received, after some time, an order to retain the post at Farmersville, and saying nothing of the post at Vienna:

[“ Official telegram.”]

“ HEADQUARTERS DEPARTMENT OF THE GULF,
“ New Orleans, La., October 22, 1874.

“ Capt. GEORGE E. HEAD,

“ *Third Infantry, commanding United States Troops, Monroe, La.:*

“ Orders have been sent to Major Merrill directing you to keep up the post you have established at Farmersville, La.; but no additional expense in transportation is authorized. You will have to maintain it with the transportation you have on hand.

“ By command of Colonel and Brevet Major-General Emory.

“ W. W. SANDERS,

“ *Captain Sixth Infantry, A. D. C., Acting Assistant Adjutant-General.*

“ Official copy respectfully furnished by mail.

“ W. W. SANDERS,

“ *Captain Sixth Infantry, A. D. C., Acting Assistant Adjutant-General.*

“ I certify, on honor, that the above is a true copy.

“ _____,

“ *Captain Third Infantry.*”

WITNESS. I relieved at once, on my own responsibility, the troops at Vienna, and I was in such haste to do it that I telegraphed to the commanding officer at Vienna to return, and did not even wait to send it by mail. The order is as follows:

“ HEADQUARTERS UNITED STATES TROOPS,
“ CAMP AT MONROE, LA.,
“ November 1, 1874.

[“ Special Orders No. 13.—Extract.”]

“ II. Corporal Worth, Company B, Third Infantry, will, upon the receipt of this order, proceed to this post with the detail under his command and such public property as he may have with him at his camp at Vienna, La.

“ By order of Captain Head:

“ F. W. ROE,

“ *Second Lieutenant Third Infantry, Post Adjutant.*

“ I certify, on honor, that the above is a true copy.

“ _____

“ *Captain Third Infantry.*”

By Mr. NEW:

Q. What was the date Morey and yourself and Selye were at Farmersville?—A. I forget, sir. I think it was somewhere between the 12th and the 18th October.

Q. The election then pending was in November, was it not?—A. I believe election-day took place on the 2d November, if I remember rightly.

By Mr. CONGER:

Q. I understood you to say that with your command on these expeditions no arrests were made.—A. No arrests were made by the infantry. A detachment of cavalry came over from Shreveport, which remained under the command of General Merrill himself, and were never under my command, except, of course, when they actually were in my post at Monroe. A commanding officer commands everybody, even a civilian, around the post.

Q. Was there any time when any cavalry troops brought persons arrested to you?—A. Yes, sir. It was done twice.

Q. Were these persons at any time in your possession?—A. Yes, sir. They were turned over by Lieutenant Hodgson, commanding the cavalry, to me on the arrival of the cavalry and prisoners at Monroe. Then I took charge of them, or I should say rather—for I never took charge of them—that Selye had charge of them, I furnishing a guard for them from my infantry command.

Q. Were they delivered to your charge before they reached Monroe?—A. No, sir. They were delivered to my charge in Monroe. In one case that was done. They were delivered not to me, but to the infantry at Vienna, which at that time had not been removed, and were brought by the infantry detachment at Vienna to me.

Q. But that was not under your immediate personal orders?—A. No, sir; not at all; I was not there; of course they were under my command.

Q. But not under your own personal supervision?—A. No, sir.

Q. Were you present when any conversation was had by Mr. Selye and others about arresting a man by the name of Glover?—A. No, sir; I never heard of Mr. Glover or of his arrest, and know nothing of it whatever, except what I have read in Mr. Selye's testimony.

Q. Was there ever any conversation in which Glover's arrest was talked of in your presence and in which a desire was expressed that when he was arrested he should be killed in the woods?—A. Mr. Glover's name was never mentioned to me by Selye or any one else; I never heard of him in my life, and no conversation of the kind took place with me; in fact, the thing would be almost an impossibility.

By the CHAIRMAN :

Q. You did not make any arrest?—A. I did not make any arrest.

Q. The cavalry made the arrest?—A. Yes, sir.

Q. Do you know a United States commissioner by the name of Jewett?—A. Yes, sir; he was a United States commissioner at Vienna.

Q. It must have been, then, upon his warrants that these arrests were made?—A. I do not know on whose warrants these arrests were made, for they were made, by troops under General Merrill's command, and who were not in the least under my command.

Q. When Lieutenant Hodgson reported his command to you in Monroe, he came under your orders?—A. As long as he remained in the post, he did, just the same as any civilian would, or anybody.

Q. Was he ordered to report to you?—A. No, sir; that was the most surprising thing to me.

Q. Did Hodgson acquaint you with his orders?—A. Yes, sir; or else I would have wanted to know why he was there.

Q. Did General Merrill also send you a copy of his orders to Hodgson?—A. I never received the orders which Hodgson received. Hodgson, as a matter of courtesy, showed me the orders he had received, but I had no right to require them, until he had put himself inside my post. He could have encamped two feet outside of my post and I could not have said a word to him.

Q. You had no information from the district headquarters that this officer was going to your post?—A. I think not; I am very sure that I never received from General Merrill any intimation that the cavalry was coming, but I had received from Mr. Selye that he was to meet the cavalry at Homer.

Q. Had you received any notice from district headquarters that this officer had been detailed and would report to you at your post?—A. No, sir; none at all.

Q. You got no knowledge of his orders from district headquarters?—A. Not the slightest, and that was the surprising part of it. So far from Mr. Hodgson being ordered to report to me, he was not ordered to report to me. If he had been he would have been under my orders.

Q. When he made these arrests and conveyed the prisoners to your post, did he make any report to you of the transactions?—A. No, sir; he made his official report direct to General Merrill.

Q. Did he show you a copy of that?—A. No, sir; not officially, and it did not go through my headquarters. I read it, not as a commanding officer, or an officer of the Army, but as a friend of Lieutenant Hodgson's. There is no record of any such report going through my headquarters, and none went.

Q. Do you recollect the names of those prisoners?—A. No, sir; I do not now.

Q. Do you recollect how many there were?—A. I think there were seven or eight in the first number and four or five in the second.

Q. Do you know the place where they had been arrested?—A. I only know that it was somewhere in the direction of Homer, which, I think, is in Claiborne Parish, but further than that I do not know anything about them.

Q. Do you know what the affidavits set forth upon which the warrants were made for their arrest—do you know that warrants were issued?—A. I do not; Lieutenant Hodgson had charge of those.

Q. Were they in close arrest?—A. Yes, sir.

Q. Did you see the prisoners?—A. Yes, sir; I saw them when they were brought in in the morning.

Q. Were any portion of your infantry troops in charge of the prisoners?—A. They were after their arrival at the post.

Q. Were they delivered to your custody by Hodgson?—A. Selye had the custody of the prisoners; he requested me to furnish a guard, as the cavalry were tired out and could guard them no longer.

Q. Were these men handcuffed?—A. I heard that they were.

Q. You saw them?—A. They were not handcuffed when I saw them. The handcuffs had been removed.

Q. Did you hear, or do you know, what the charge was against these men?—A. No, sir; I do not.

Q. What offense or alleged offense were they charged with?—A. I think I attended what was called the preliminary hearing before Mr. Jewell, the commissioner at Monroe, and, if I recollect rightly, they were charged with interfering with a colored political meeting, but I paid very little attention to it, and I am not sure whether even that is so; that is simply my impression.

Q. You were there in order to get information. One part of your duty was to get information of the condition of society up there?—A. No; not particularly.

Q. Why did you employ these colored men to give information?—A. Because the 4th of January was culminating, and I had some grave suspicions that, in case of a rising in New Orleans, the White League in North Louisiana might take and capture my post.

Q. Then it was your desire to ascertain what the condition of society was up there?—A. Yes, sir; as far as my post and its safety was concerned.

Q. Were you made acquainted with any offense that these parties arrested had been charged with?—A. No, sir; not one.

Q. What became of the proceedings before the United States commissioner?—A. They were bailed to appear before the United States district court in this city, I think, sir.

Q. Do you know any of the amounts bail was fixed at?—A. No, I do not; it was about \$1,500 apiece, but I have forgotten.

Q. Do you know whether they were ever brought to this city to be tried?—A. I have carefully watched the papers to see whether they were or not, for on that point I had some personal curiosity. I have never seen any account of it.

Q. Did Selye show you his credentials as an officer?—A. He showed me his warrant as deputy United States marshal, or he never would have got the troops.

Q. How could a bribe be offered by a deputy United States marshal to procure a majority for a captain in the Regular Army? Did you take that to come from Selye, and did he tell you he could do it, or did he act as the agent of anybody?—A. He did it out of his own head, so he told me, but he said he would speak to Morey and get it for me as soon as he could see Morey.

Q. Was it your opinion that he was acting in his own behalf and that he was interested in the use of these troops?—A. It struck me that he was. It arose out of a conversation I had with Selye, both before and during our march to Vienna. I do not think Mr. Morey knew anything about this bribe. I think it was done entirely out of Selye's head.

Q. You think it was a disinterested act of friendship of Selye for you or for Morey that he should offer a bribe of this kind?—A. I think that Selye is such an ignorant and illiterate man that he thought I was fool enough to believe in him.

Q. He might as well have offered you the moon.—A. If he had offered me a hundred acres of green cheese in the moon it would have been a bribe of more value and I would have taken it sooner.

Q. You believed, however, that he was offering it on his own account, and that he was sincere in the offer, and thought he had the power to get it for you?—A. I think he really thought so; I do not know.

Q. Did he tell you how he was going to operate to get this majority for you?—A. He said he would speak to Mr. Morey and Mr. Morey would get it. Of course nobody who had common sense would believe a deputy United States marshal could get a captain in the Army a majority, or would believe in him for an instant.

Q. Did you make any report of this offer of Selye to you at the time it was made?—A. Yes, sir; I did not make an official report, but I spoke to Lieutenant Roe, my second in command. I told General Emory; I told my brother, Dr. John F. Head, of the Army; I told half a dozen officers of the court-martial that tried Lieutenant Hodgson, for whom I acted as counsel; I told General Morrow also, but then Selye gave this testimony to General Morrow a year and a half ago. By the way, this very matter was investigated by General Emory and was thrown aside.

By Mr. CONGER:

Q. Was General Morrow one of the gentlemen you spoke to on this subject?—A. He was the one before whom Selye first gave this testimony. General Morrow was at Baton Rouge. He was sent up there to investigate all these things, though not to investigate a charge of bribery, as at that time no such charge was made.

NEW ORLEANS, *June 6, 1876.*

JAMES LEWIS sworn and examined.

By Mr. NEW :

Question. What is your residence ?—Answer. 487 Canal street.

Q. Were you acquainted with Charles W. Lowell while he was postmaster ?—A. Yes, sir ; I was on his bond.

Q. Did you furnish any money, and, if so, how much, in his settlement with the Government ?—A. Yes, sir ; I did.

Q. What amount did you pay as a bondsman ?—A. \$500.

By Mr. CONGER :

Q. Do you know how much was paid up on the bond ?—A. Only from the information I received from the individual bondsmen.

Q. From such information as you have obtained that you think was correct, how much do you understand the compromise was made for ?—A. I was informed by Mr. John W. Madden that he paid \$2,000 ; that Mr. Hassinger paid \$2,000, and that Lieutenant-Governor C. C. Antoine paid \$1,000. I paid \$500. I do not know of any more that was paid ; that is, of my own knowledge.

By Mr. NEW :

Q. Did you take a receipt for the money you paid ?—A. I did.

Q. Have you that receipt with you ?—A. I have. [Producing receipt.]

By Mr. CONGER :

Q. Do you know of anybody else that paid anything toward this amount ?—A. No, sir ; I do not. I was informed that there was between \$7,000 and \$9,000 raised among these bondsmen.

By the CHAIRMAN :

Q. Did you say that Mr. Hassinger paid \$2,000 ?—A. Yes, sir ; he informed me that he paid \$2,000.

By Mr. CONGER :

Q. Do you think the \$9,000 was raised among his bondsmen to make that settlement ?—A. Yes, sir ; I don't know of anybody outside of these bondsmen paying anything.

Q. Do you know what the amount was finally compromised for ?—A. I do not.

By Mr. NEW :

Q. Did you pay the \$500 you paid to Mr. Morey ?—A. Yes, sir.

NEW ORLEANS, *June 6, 1876.*

CHARLES HENRY ROBERTS sworn and examined.

By Mr. NEW :

Question. Where do you reside ?—Answer. 34 Desires street.

Q. Were you acquainted with Mr. Charles W. Lowell, at one time postmaster of this city ?—A. Yes, sir.

Q. Were you upon his bond ?—A. Yes, sir.

Q. Did you pay any of the money that was raised for the purpose of settling his defalcation ?—A. No, sir.

NEW ORLEANS, *June 6, 1876.*

GEORGE F. BROTT sworn and examined.

By Mr. NEW :

Question. Do you reside in this city ?—Answer. Yes, sir.

Q. State whether you were upon the bond of Mr. Lowell, late postmaster in this city.—A. Yes, sir.

Q. Did you pay any part of the money, and, if so, how much, that was raised to settle his default with the Government ?—A. I did not pay any.

By the CHAIRMAN :

Q. Were you ever called upon to pay any part of it ?—A. No, sir.

Q. Were any proceedings instituted against you in the courts ?—A. Yes, sir ; I think the thing was sued.

Q. Had you any property at the time those proceedings were instituted against you?—A. Yes, sir.

Q. Was it unincumbered?—A. Yes, sir; but my property was in Minnesota; it was real estate.

Q. But you had enough to pay your share?—A. I had some property in town here besides some in Minnesota.

Q. What did you consider your property worth at a fair valuation at that time?—A. At that time everything was pretty flushy, and money was plenty, and I thought it was amply worth what I was on the bond for.

By Mr. CONGER :

Q. Were you asked to contribute anything to settle this defalcation?—A. I was not.

Q. Did you contribute anything?—A. I did not.

Q. Did you defend the suit?—A. I really have forgotten how that was. I think they employed Major New to put an answer in to the complaint of the Government.

Q. Do you remember whether you paid anything toward the defense of the suit?—A. I paid nothing whatever; I was not called upon to pay anything.

NEW ORLEANS, June 6, 1876.

JACOB HASSINGER sworn and examined.

By Mr. NEW :

Question. You reside in this city?—Answer. Yes, sir.

Q. Were you one of the bondsmen on the bond of Mr. Lowell, late postmaster in this city?—A. Yes, sir.

Q. Did you pay anything toward the settlement by him with the Government of the defalcation?—A. Yes, sir; I paid \$2,000.

Q. To whom did you pay it?—A. To the Hon. Mr. Morey.

Q. Is that Frank Morey?—A. Yes, sir.

Q. Did you take a receipt for it?—A. I do not think I did.

Q. Have you any personal knowledge as to what other parties who were on the bond paid?—A. I know that Mr. John W. Madden paid the same amount.

NEW ORLEANS, June 6, 1876.

JOHN W. MADDEN sworn and examined.

By Mr. NEW :

Question. You reside in this city?—Answer. Yes, sir.

Q. Were you a bondsman upon the bond of Mr. Lowell, late postmaster in this city?—A. Yes, sir.

Q. Did you pay anything toward the settlement by him of his affairs with the Government?—A. I paid \$2,000 to Frank Morey.

Q. Did you take a receipt for the money?—A. Yes, sir.

Q. From whom?—A. From Frank Morey.

Q. Look at that [producing a paper] and state whether that is the paper that he executed to you when you paid the \$2,000 to him.—A. That is the paper.

The paper is as follows :

“ UNITED STATES	} United States circuit court, Nos. 7125 and 7156.
vs.	
CHARLES W. LOWELL.	

“Whereas the above suits for a large amount of money have been brought against Charles W. Lowell as principal and Frank Morey and John W. Madden as sureties among others, and whereas said Frank Morey has good reason to believe that the same can be compromised through the proper authorities at Washington, for the sum of \$15,000 in cash, and of said sum John W. Madden is indebted in cash to said Morey the sum of \$2,000 to be paid to the said authorities in part payment of said compromise, if effected: Now, I, Frank Morey, acknowledge the receipt of said sum of \$2,000, in cash, from said John W. Madden, to be by me used solely for the purpose above mentioned, and in default of said compromise, the same to be by me returned to said Madden.

“New Orleans, March 24, 1876.

“FRANK MOREY.”

Q. Has any part of this \$2,000 ever been returned to you?—A. No, sir; I notice in the testimony of George F. Brott, published in the newspaper, he says he was not called upon to contribute anything. It was the opinion of the bondsmen at that time that he was bankrupt, and that he had no money. He was present at a meeting of Lowell's bondsmen, and the general impression among the bondsmen was that he was bankrupt and had nothing, or else he would have had to contribute.

By the CHAIRMAN:

Q. Did you have any knowledge of his financial situation at the time, or any authentic evidence that he was not worth anything?—A. I had no particular knowledge, but I had general knowledge of that fact, and I was very much astonished when I read his testimony in the newspaper.

By Mr. CONGER:

Q. I suppose you wished you had known this fact that he was worth real estate at that time?—A. Yes, sir; it hurt me very much that I did not.

By Mr. DARRALL:

Q. Did you have any conversation with Mr. Selye, former special agent of the Post-Office Department, in regard to this payment of money?—A. No, sir; I do not recollect any conversation with him; I know him very slightly.

Q. Did you have any conversation with him that this money was used to grease the wheels in the Department at Washington?—A. No, sir.

By the CHAIRMAN:

Q. Did you see the special officer who was sent here to arrange this compromise, Mr. McGrew, the Sixth Auditor of the Treasury?—A. No, sir; I did not.

Q. Had you any knowledge of his being in the city at any time?—A. No, sir; I have not.

NEW ORLEANS, June 6, 1876.

EDWARD B. BENTON sworn and examined.

By Mr. NEW:

Question. Were you acquainted with Charles W. Lowell, the former postmaster in this city?—Answer. I was.

Q. Were you upon his bond at the time he was said to be a defaulter?—A. I was.

Q. How much, if anything, did you pay toward the settlement that he made with the Government?—A. I paid nothing.

By the CHAIRMAN:

Q. You say, however, that you were one of his bondsmen?—A. Yes, sir.

Q. Did you contribute anything in any way to the payment for this compromise that was made at Washington?—A. No, sir, I did not.

Q. Were you in insolvent circumstances at that time?—A. My affairs were such that my effects could not be reached.

By Mr. NEW:

Q. You were in bankruptcy?—A. No, sir, but my effects were all invested in a money institution here, which was in the hands of a receiver by an order of the court.

By the CHAIRMAN:

Q. Did not you own some property at that time on Washington street—a house and four lots of ground?—A. No, sir, not on Washington street; I had bargained for that place, but was unable to carry out my bargain.

Q. The property stood in your name, however?—A. I think I owned some property on Belmont street near Saint Charles street at that time.

Q. How much property did you own there?—A. About five or six lots of ground—one square from Saint Charles street.

Q. Were there any judgments against you?—A. No, sir.

Q. In the courts?—A. No, sir.

Q. Was not your property under seizure by the sheriff at that time?—A. The effects of the loan or pledge association were in the hands of a receiver.

Q. I mean was this real estate under seizure?—A. No, sir.

Q. You say that this loan association was in the hands of a receiver for settlement?—A. Yes, sir.

Q. How much stock did you have in that association?—A. I do not recollect exactly the amount of stock, but my impression is that it was nearly three-quarters of the entire stock that I owned.

Q. Was any attempt made by any officer of the Government to enforce the settlement of your obligation as bondsman?—A. I received several notices to appear at the office of the postmaster and pay a certain amount, which I think was \$19,000.

Q. You did not pay it?—A. No, sir.

Q. Was any judgment obtained against you on the bond?—A. No, sir; not to my knowledge.

Q. What did you do with these lots?—A. I sold them subsequently.

NEW ORLEANS, *June 6, 1876.*

LIONEL A. SHELDON sworn and examined.

By the CHAIRMAN:

Question. You are a resident of New Orleans at this time?—Answer. I am.

Q. Are you acquainted with Colonel Casey, the collector of this port?—A. I am.

Q. Are you acquainted with Judge Billings, the present Federal judge?—A. I am.

Q. Have you ever had any conversation with Colonel Casey in regard to the appointment of Judge Billings to that position?—A. Since his appointment I had a conversation with him.

Q. Did Colonel Casey ever tell you anything in regard to the manner in which that appointment was procured?—A. No, sir; not more than this, that it was done through the influence of Senator West or Senator Morton, and I think he stated to me that Mr. Conkling supported him.

Q. State whether he ever stated to you, or whether he ever stated to any one else in your presence, anything in regard to an interview between himself and General Babcock and General Porter in Washington City, in regard to the appointment of Judge Billings.—A. In relation to that matter, all I know about it is purely hearsay. I shall not blacken the reputation of anybody upon mere hearsay evidence and loose statements unless compulsion is used upon me. I say this with great respect to the committee; if the committee have the power to punish me they should take the responsibility of forcing me to give hearsay evidence. If the House of Representatives directs me to make answer to the question I will do so.

Q. I have no desire to blacken any one's character, but the question is a perfectly legitimate one, and it affects a Federal officer. Has Colonel Casey ever made a statement in regard to any arrangement between himself and the gentlemen whose names are mentioned in regard to his appointment?—A. None in the world, nothing involving Colonel Casey in the least. Nothing has ever been said to me by Colonel Casey in relation to that matter except what is of the most honorable character so far as Colonel Casey is concerned.

Q. I ask whether there was anything in regard to any means that were to be used by Mr. Babcock and others in regard to that appointment, and that he had, in an interview with him, declined to be a party to that arrangement?—A. He has never told me of any interview between himself and General Babcock and General Porter.

Q. Nor between either of them and himself?—A. I decline to answer, for the reason that it is purely hearsay, and if the committee had power to compel me I should answer. I say this with great respect to the committee, and if the House of Representatives direct me to answer, they must take the responsibility and I will answer; I will not take the responsibility of doing it myself.

By Mr. NEW:

Q. When you say that is merely hearsay do we understand you to mean that what General Casey said to you would be hearsay?—A. Entirely, except so far as his action is concerned; any statements concerning his action in the matter I am ready to make, and I think you have proper authority to ask such facts under your resolution.

Q. Did he state to you that he had or had not declined to do anything in that connection?—A. That comes right to a question which is entirely hearsay in my judgment.

Q. I am asking you now whether he stated to you that he, Casey, not somebody else, had declined to do something that was suggested to be done by himself and others, or by himself alone?—A. There was no declination on his part; there was no statement of anything that he himself proposed to do, or that he was asked to do.

Q. Did he state that he had declined to do anything in that connection; and, if he did, what were the words made use of by him in stating to you that he had so declined?—A. He declined to support Judge Billings because he was already committed to Judge Pardee.

Q. Did he state to you what proposition, if any, had been made to him as to his support of Billings?—A. I do not think Colonel Casey ever stated to me, or that he ever stated in my presence that any proposition was made to him to do any act further than to change his support from Judge Pardee to Judge Billings.

Q. Now, what did he say that proposition was?—A. It was simply an effort on the part of certain persons to induce him to support Mr. Billings instead of Judge Pardee, and this

was after the Senate failed to confirm Judge Pardee and before his second nomination by the President.

Q. Who did he say desired or asked him to change his support?—A. Several of the friends of Judge Billings; I cannot tell you all of them.

Q. Do you remember any of the names that he mentioned?—A. I think Senator West made efforts to induce him to support him.

Q. Can you give any other name or names?—A. Very likely I could, but I do not remember them now. Perhaps it was Judge Billings himself, but I am not certain that that was so. There was nothing in connection with the efforts of Judge Billings, or of Senator West to support Judge Billings, that was at all dishonorable in any respect that he has ever said to me.

By Mr. STEVENSON:

Q. You say there was nothing dishonorable in the efforts of Judge Billings or Senator West; was there anything dishonorable in regard to other parties whose names were mentioned to you?—A. Mr. Casey once made, in my presence, some loose remarks about other persons, whose names I decline to give because it is a matter of pure hearsay, which I will not give until compelled to do so, and because I regarded it at the time as rather loose talk, and the precise terms of it I could not pretend to give further than as according to my best recollection.

By Mr. NEW:

Q. Were these remarks, which you say were loose remarks made by Colonel Casey, in the same conversation to which you referred a moment since?—A. I cannot tell you, because we had repeated conversations.

Q. What is your best impression or recollection, if you have any impression about that, as to whether it was or was not in that same conversation?—A. It may have been, and it may not have been. It may not have been, because Colonel Casey and I were together; that is, we were together for a month or two, and we had frequent conversations in relation to the matter of the judgeship.

Q. Where did this conversation between you and him occur in which he made use of these loose remarks?—A. If at all, in Washington.

Q. Whereabouts in Washington?—A. Probably at the Capitol, or perhaps at Willard's Hotel, where we both stopped.

Q. Do you remember whether any person was present other than yourself and Colonel Casey at this conversation?—A. There may have been and there may not have been; I do not remember. The matter was frequently talked over of course by Mr. Packard, who was there a portion of the time, and Judge Pardee, who was there a short time. Of course we were all friends and we all concurred in one object, and whether anybody else was present or not, I cannot say. There may have been and may not have been.

Q. Do I understand you to say that this matter was talked over so frequently while you were there that you cannot locate the time and place and presence in which it occurred?—A. I say it may have been in the presence of any or all of these gentlemen.

Q. Do you say that it was talked over frequently between you?—A. I mean to say that the subject of the judgeship was very frequently talked over, and very likely in the presence of all the gentlemen I have named, for we were all very earnest and active in securing the confirmation of Judge Pardee.

Q. You do not mean that the matter that involved the scandal to which you have referred was talked over frequently?—A. I have not said that any matter involved scandal.

Q. I thought you made use of some such expression?—A. I did not say so.

Q. You said something about blackening somebody's reputation.—A. There was something said very likely that would blacken somebody's reputation. There were some things that would blacken reputation. Whether those things were said in the presence of the gentlemen I have named or not I cannot tell you, for the subject of the judgeship was the principal object with us after the Forty-third Congress adjourned.

By Mr. STEVENSON:

Q. The matter of this inquiry is not one of mere curiosity on the part of members of the committee, but it is for the purpose of ascertaining whether any influences were used, other than those of mere persuasion and those that were proper, for the purpose of securing the appointment of the present United States judge to his position, or whether, in the conversation you had with Colomel Casey, he made any statements to you in regard to that, and in regard to influences that were to be used by any persons for that purpose?—A. I know of none.

Q. That is, you have no personal knowledge of any?—A. I have no personal knowledge whatever.

Q. But, from your conversation with him, did you learn from him of any influences that were to be used by any persons other than the influences of persuasion and argument?—A. Anything that I may have heard was in loose conversation, which, in my judgment as a lawyer, is purely hearsay; and I repeat, with great respect to the committee, that I decline to state my recollection of what those remarks were unless some power that can compel me to do so directs it. Let me add that if there were such influences, I am not the man to prove it by, because I know nothing in the world about them.

Q. You mean simply that you have no personal knowledge?—A. None in the world.

Q. And I am not intimating anything of the sort. I am merely asking you for your conversation with another party in regard to his action, and the action of other persons other than yourself.—A. I have never conversed on that subject with a human being that has indicated to me any improper action on his part in this matter.

Q. Not upon his part, but upon the part of others.—A. Well, then, you come to hearsay evidence. You should call men who know about it, and not get me to retail conversations for them, which I decline to do.

Q. You decline to state what Colonel Casey said to you in regard to other parties in connection with that matter?—A. I decline to repeat that which I consider purely hearsay evidence—evidence which would be taken in no court of justice—unless the House of Representatives directs me to answer. In that case they take the responsibility, and not me. I do not decline in any spirit of contempt for the committee or the House.

Q. What you decline to give is the conversation between Colonel Casey and yourself?—A. I decline to give conversations between myself and any other persons as to what third parties have said that would blacken the character of a single individual.

Q. You decline to give the conversation between Colonel Casey and yourself?—A. I do not, so far as Casey is concerned.

Q. But you decline to do it, so far as his statements are concerned?—A. I decline to repeat any statements he has made to me of what others have said to him. That is all there is of it, and I do it with great respect to the committee, because I think it is the legal duty and the moral duty of a witness to take just that position. If I knew anything myself I would tell it, or if Colonel Casey had told anything to me that he himself had done that was dishonorable or improper, I would tell you of it.

NEW ORLEANS, LA., June 6, 1876.

HENRY C. WARMOTH sworn and examined.

Question. You are at present a resident of this city?—Answer. Yes, sir.

Q. Formerly you were governor of the State?—A. Yes, sir.

Q. Are you acquainted with Mr. Casey, the present collector of this port?—A. I am, sir.

Q. Are you acquainted with Judge Billings, the present Federal judge of this district?—A. Yes, sir; I am.

Q. State if you ever had any conversation with Colonel Casey in regard to the appointment of Judge Billings to a judgeship in this district, and if so, what he said.—A. I never did.

Q. If you have had any conversation with him in regard to any means that were used for the purpose of promoting the appointment of Judge Billings, you may state it.—A. I never did have any conversation of that sort.

Q. Has anything in any manner come to your knowledge in connection with the appointment of Judge Billings?—A. Nothing from Judge Billings nor from Mr. Casey. I have heard reports of one character and another which I would not feel at liberty to state under oath. Anything I might say would be from hearsay.

Q. You have never heard anything from Mr. Casey himself?—A. No, sir.

Q. You have heard nothing in regard to any influences that were brought to bear in regard to that appointment?—A. No, sir.

NEW ORLEANS, June 6, 1876.

GEORGE C. NORCROSS sworn and examined.

By the CHAIRMAN:

Question. What is your occupation?—Answer. Clerk in the custom-house.

Q. Are you in the employ of any corporation in the State?—A. No, sir.

Q. None at all?—A. No, sir.

Q. Have you purchased largely of property at tax-sales for the benefit of any other person besides yourself?—A. I have purchased for myself and others, but not very largely. There are a great many larger purchasers than I am.

Q. What tax-sales do you purchase at?—A. Whenever I have found any purchase that I thought was a great inducement I have made it.

Q. City or State?—A. I have bought of both; more State than city; I have only bought one or two in the city.

By Mr. REILLY:

Q. What is your position in the custom-house?—A. Clerk.

Q. You have no other business except your position as a clerk?—A. Nothing that pays me any regular salary.

Q. Are you engaged in any other business that divides your attention?—A. No, sir; nothing.

Q. There is nothing that conflicts in any way with your duties as clerk?—A. No, sir.

Q. And you always devote the regular hours of business to your work?—A. I have always devoted my hours and my time to my work whenever it was necessary.

By the CHAIRMAN :

Q. Are you employed by the New Orleans Sanitary Excavating Company at all?—A. No, sir.

Q. You never made any reports for them?—A. I did some work for them in the evening once, from 9 o'clock until 10 o'clock, but have received no pay for it.

Q. Have you made these purchases at tax-sales for others, or on your own account?—A. Mostly on my own account.

Q. Have you ever made them for Mr. Herwig?—A. With all due deference to you, I will say that I have made a great many purchases, and I would rather object to answering that question; it might involve others, and I decline to answer.

Q. You decline to answer the question?—A. Yes, sir; I bought as a matter of speculation.

Q. How long have you been employed in the custom-house?—A. With the exception, I think, of about four or five weeks, I guess I have been there six years and a half or seven years.

Q. What department are you in?—A. First, I was inspector on the levee; then, five years ago, about this time, I was made storekeeper of bonded warehouse No. 1, and staid there, probably, six or seven months. I was taken out of there and made a clerk in the collector's office, and I have filled a number of desks since. One desk I was at three years, I guess.

By Mr. CONGER :

Q. Are there any regulations in the department preventing your buying any property at tax-sales, that you know of?—A. Not that I know of.

Q. Have you ever been told of any such regulation?—A. No, sir; if I could borrow the money, or had money of my own, I think I have a right to speculate.

Q. But your speculation has not interfered with your duty?—A. No, sir; in no shape or way.

By Mr. NEW :

Q. Is there more than one Herwig in the city?—A. There are three, I think.

By the CHAIRMAN :

Q. The previous question was with reference to Mr. Herwig, the deputy collector, simply.—A. I decline to answer that question, because it would involve others, and I consider it my private business.

Q. My question is whether you are employed by your superior officer in the custom-house to purchase property for him at tax-sales.—A. With all deference to the committee, I think my whole transaction, as far as the purchase at tax-sales of property is concerned, is no more than if I went to Carondelet street and bought bonds there. I think that is my private business.

By Mr. NEW :

Q. You decline positively to answer that question?—A. Yes, sir.

NEW ORLEANS, June 6, 1876.

PETER W. BRADLEY sworn and examined.

By the CHAIRMAN :

Question. Where do you live?—Answer. In this city.

Q. What is your occupation?—A. My occupation is a farrier of horses and cattle. I am a veterinary surgeon.

Q. Have you ever been employed in the custom-house?—A. Yes, sir.

Q. Have you any knowledge of any sugar being seized?—A. Yes, sir. In July, 1869, Mr. Siskron kept a law-book store. He was ex-collector of internal revenue, and he and my brother, Robert L. Bradley, and myself, went to an importer's warehouse and looked at a lot of sugars. In a few days afterward the sugars were examined by Mr. Dillingham, Mr. Herwig being with him, and they could not see anything wrong about them, and so they would not credit what my brother said, and my brother resigned; my brother said there was a discrepancy and a fraud. They said if there was any fraud they did not see anything wrong, and if he seized it he seized it on his own responsibility. He informed James Wilder, the custodian of the warehouse then, that he seized the whole entire stock, and he did so. Mr. Coutrie treated my brother and Siskron to two bottles of champagne, and they muttered something together, and they offered my brother a bribe, but he would not take it. I

was very sorry I had ever anything to do with the sugars, or that I saw them, or that I ever exposed those parties, or said that there was a conspiracy, because it was a bad loss to me; my brother was mysteriously killed at the corner of Carondelet and Erato streets; he was stabbed by three different parties, and I know it was a conspiracy; it was through his exposing about those sugars that he lost his life.

Q. In July, 1869, were you and your brother both in the employ of the Government?—A. No, sir; I was a night-watchman then.

Q. Was your brother in the Government employ?—A. My brother was ex-captain of the police. He was the first senior captain of the Metropolitan police up to the 13th of May, 1869. They wanted him to give the disclosures of those sugars, and he said he would not unless they would employ him and give him a position as a Government officer; if they did he would ferret them out, but otherwise he would give the information to no man. So he got his position and was made clerk of entry in the naval office.

Q. Your brother, then, was in the naval officer's department at the time he made this discovery?—A. Yes, sir; my brother was in with the ring. He was in with Perry Fuller. He knew all their business prior to his going into that naval office.

Q. Then, after that, what did you and your brother do?—A. One morning he asked me to go to the importer's warehouse. He came down Camp street and turned into the alley where Siskron kept a law-book store, and Fred. Siskron went along. When he got there to the warehouse he wanted to get in, and Wilder, the custodian of the warehouse, would not let him in. My brother then got a permit from the naval office to go in, and he went in and informed Wilder that he seized the whole entire stock, although that was after the Government officers had told him that they did not see anything wrong in it.

Q. Whom did he inform that he seized the entire stock?—A. James Wilder, who now keeps a lottery-office on Saint Ann street.

Q. Why did he seize that sugar?—A. For a discrepancy. It was liquidated. It was passed for less than its value. He said that they beat the Government out of \$30,000 or \$40,000 duty.

Q. He had possession of that information?—A. Yes, sir.

Q. Did you know anything about it yourself?—A. Nothing except what my brother told me. He said there was a discrepancy in it. The sugars were fine sugars and the Government was defrauded exceedingly.

Q. Then what did you do after the sugars were seized?—A. Mr. Couterie took us out, and treated Mr. Siskron and my brother to a couple of bottles of champagne and some refreshments; and he said something to my brother that I did not hear. I was afterward informed by my brother that Couterie had offered him money. My brother said to me that he could have blackmailed \$50,000, but he would not do it.

Q. Did you see Couterie offer your brother anything?—A. They went off to one side, away from where I was about twenty or thirty yards, and had a private conversation. I do not know what the conversation was about; it was secret.

Q. Then what did you do?—A. My brother insisted upon having the sugars seized and taken away.

Q. To whom did he make his report?—A. He made it to the collector and to the naval officer.

Q. Did you go with him?—A. I was with him the morning he seized the sugars.

Q. Were you with him when he made the report?—A. George C. Beers, Senator Beers's son, was with him. He was an officer. He had him employed.

Q. What was done then, when he made his report?—A. I do not know what was done.

Q. Was the sugar ever actually seized?—A. Yes, sir; the sugar was seized and went into court, and it was condemned and turned over to the Secretary of the Treasury. The Secretary of the Treasury recovered \$119,000 in gold; Mr. Casey got \$9,993.30, and Mr. Dillingham and Mr. Longstreet got the same. They got that above their salary.

Q. What did your brother get?—A. My brother got nothing; he got stabbed in the abdomen.

By Mr. STEVENSON:

Q. What did you get?—A. I never have got anything. My brother never got a cent except when he was murdered. I went to see Mr. Dillingham. Blache, the cashier, said my brother owed him something, and I paid it to him.

Q. Was not your brother entitled to a part of that money?—A. Yes, sir, he was, but I am sorry he ever had anything to do with it.

Q. How long after this seizure was it that your brother was killed?—A. It was a short time after the condemnation. I met that set afterward, and they told me when my brother was killed they were sorry that he had had nothing to do with the sugar, and they said that if he had had nothing to do with the sugar he would be alive to-day.

By Mr. NEW:

Q. Was it known who killed your brother?—A. I had three men arrested for it. I made two affidavits, but the grand jury dismissed the case. It was a conspiracy. It is all of no use trying to convict crime in this country; you might as well try to touch the sky with your fingers.

Q. Why was not your brother's share of this money paid to him or to his heirs?—A. I do not know why. Capt. W. F. Perkins that died was a Government officer, and he came up to my house one morning on Carondelet street, and he said to me, "Your brother is dead," and he remarked how surprised he was that a man of my brother's ability should be killed. He said to me then, that there was considerable money in the sugar claim coming to him, and he insisted on helping me as a Mason in the matter. He is a Royal Arch Mason. He said he would draw up the claim, and he would go down and apply for letters of administration. He made out the petition and letters of administration for me and he got me letters of administration, and then he filed my claim for me, and it was sent to Washington, into the Court of Claims. It got into the hands of R. Stewart, Denny, and Belden, and they bungled it up so that I never expect to receive anything.

Q. Who is Perkins, if you know?—A. Perkins is the man that imported the sugar. My brother would have seized the sugars long before, but the Government officer did not take any depositions in this thing at all; my brother would have seized these sugars long before if he had been a Government officer. When he resigned from the police and went into the custom-house, he seized the sugars at once.

Q. You say this man Perkins imported the sugars; do you mean that?—A. Yes, sir; he was the agent for the Florida line of steamships, and the sugar merchants owed him \$5,000 for the transportation of that sugar, and he had a slow note on it, and he told this to my brother and they made it up between themselves. He said to my brother, "Bob, don't seize those sugars until I get my transportation; if you do they will not pay the note." After Perkins had got his pay, he said O. K. to my brother, and my brother went forward and seized the whole entire stock.

Q. How far was that from the time when Long, a former district attorney, was found dead?—A. Long, the district attorney, was the man that made it up with Perkins and my brother. They had made it up between the three of them to bring about the condemnation of these conspiracies in the sugar business; there was a regular ring.

Q. With reference to the time that Perkins and your brother were killed, when was it that Long was found dead?—A. He was found dead about the same time—about the time the sugars were seized. There was much excitement at the time, and the newspapers were full of things about the fraudulent sugars.

Q. What is the date of the death of your brother?—A. My brother was stabbed at the corner of Carondelet and Erato, on Saturday, the 8th of October, 1870, and he died about the 10th or 11th.

By the CHAIRMAN:

Q. What was the full name of your brother?—A. Robert L. Bradley.

Q. Was your brother in the confederate army?—A. No, sir; the last army he was in was the Mexican war in 1846.

Q. Did you have another brother, named Joseph?—A. Yes, sir; I had another brother, named Joseph; he was in the Eleventh Louisiana. He died on the 18th of August last, about a year ago. He belonged to the Cannon Guards, and then he was made a brigade butcher for the Thirteenth Louisiana.

By Mr. CONGER:

Q. You said the sugars were seized some time in the spring of 1869?—A. Yes, sir.

Q. Do you recollect what month?—A. I do not recollect what month; I think it was in July.

Q. And your brother was killed in October, 1870?—A. He was killed in 1870; I do not know exactly the time he was killed.

Q. He was killed more than a year after this seizure?—A. Yes, sir.

Q. You said that Mr. Perkins imported this sugar?—A. Yes, sir; he was the agent for the Florida Steamship Line.

Q. What was his given name?—A. W. F. Perkins. He used to be a quartermaster in the United States Army.

Q. Were these sugars imported on the Andromeda?—A. On the Andromeda and different ships.

Q. Was the Andromeda one of this line?—A. I could not tell whether it was or not; I know he was the agent for this line, and that this line had vessels bringing sugar from the island of Cuba.

Q. He was agent for some of the boats?—A. Yes, sir; he was agent for the Florida Steam Line, whatever line that was.

Q. Was it a steamship line he was agent for?—A. Yes, I think it was some steamers.

Q. The Andromeda was a sailing-vessel?—A. Yes, sir; there were little crafts that brought cargoes sometimes for him.

Q. Whatever there was about these sugars the Government prosecuted it in the courts and had the sugar condemned and sold and got \$119,000 in gold out of it?—A. Yes, sir; it was paid to George S. Boutwell.

Q. Your brother's claim for that has gone to the Court of Claims and is pending there now?—A. I do not know; I have turned the thing all over in my mind and have determined to have nothing more to do with it.

Q. Your brother, while he was alive, never put in a claim?—A. No, sir; for if my brother had lived he would never have had to put in a claim; he would have got it without that.

Q. Why don't his heirs get this money?—A. I have turned the thing over myself.

Q. If your brother had not been killed, would he have got this money?—A. If my brother had not been killed he would have had every dollar of it.

Q. You say it was his being killed that prevented his getting it?—A. If he had been alive, Dillingham and he were great friends and he would not have gone back on him either.

Q. Have they gone back on his heirs? he left a brother, at any rate?—A. He has got three brothers, myself and two more and a sister.

Q. Why don't they pay this money to these brothers and the sister?—A. I don't know; I can't tell; I haven't the most distant idea why they don't do it.

Q. Do you know of anybody interested in having your brother killed?—A. No, sir; I do not know who it was; it is a mysterious affair.

Q. How much would he have got if he had not been killed?—A. My brother would have had the whole thing. He would have had everything that the Government allowed him—everything that the law, of course, allowed.

Q. Have you any idea what that would have been?—A. The informer's share is one-fourth or one-third.

Q. Who got that share in consequence of his being killed?—A. I cannot tell.

Q. Mr. Couetrie, the owner of the sugar, did not certainly, because the sugar has been condemned?—A. Yes, sir; I suppose the Government Treasury got it.

By Mr. STEVENSON:

Q. The Government Treasury got all it was entitled to?—A. Yes, sir; the Government gets a half, and the Government officers got one-third besides their salary.

By the CHAIRMAN:

Q. Who got the amount that was due the informer?—A. I don't know.

Q. Have you ever heard who got the part that would have gone to your brother, who was the informer?—A. It would have come to my brother as the informer and the officers making the seizure.

Q. Whose name was handed in as the informer?—A. There was no informer established until I sent on a petition to the Court of Claims.

Q. Then that raised suspicion?—A. At that time there were several claimants as informers, Jones and Brown, and Tom, Dick, and Harry, and I don't know how many more.

Q. What are you doing now?—A. I am a janitor; I do the sweeping, scrubbing, and cleaning, and everything of that kind.

Q. Are you engaged in the custom-house?—A. Mr. Herwig gave me that place to support my little family, my wife and my two or three poor children.

By Mr. STEVENSON:

Q. Did you not have some theory or information as to why your brother was killed?—A. Yes, sir; I was very sorry that my brother had anything to do with the sugar.

Q. Do you think he was killed because he was interested in those sugars?—A. I know he would have been alive to-day if he had had no connection with those sugars.

Q. How do you know it?—A. I know it from personal and private facts.

Q. What is your theory or opinion about it?—A. It was because my brother oppressed the sugar merchants and broke up their business. They killed him in order to get him out of their way. They were afraid something else might be done. Politically he was too smart; he was too sharp every way. They did not want him in the way. He was a politician and a republican, and they did not want such men in the custom-house, because with them they could not do anything, politically or privately, or any other way; there was nothing my brother couldn't get the rights of.

NEW ORLEANS, June 7, 1876.

WILLIAM SWAN sworn and examined.

By Mr. REILLY:

Question. Are you a resident of this city?—Answer. Yes, sir.

Q. How long have you lived here?—A. Since childhood.

Q. Did you live in this city in the fall and summer of 1872?—A. Yes, sir.

Q. What was your business during that time; say during the months of August, September, and October?—A. A saloon-keeper.

Q. In this city?—A. Yes, sir.

Q. Did you ever receive any money from the United States Government, or any of its officials, purporting to be pay to you?—A. Never, sir.

Q. Do you know whether your name was ever upon the roll of employes at the custom-house at this port?—A. No, not until I saw a report from Congress or a congressional committee to that effect, and then I issued a card here in the different papers; that is the first I knew of it.

Q. Did you receive any money at all during that time from any person?—A. I never received during my life-time any money or any Federal appointment of office. I never received a dollar from any party whatever in my life. I have spent at election times from \$5,000 to \$6,000 myself, but never received a dollar from anybody, and never asked it and would not accept it. I have been offered it on different occasions.

Q. You did not receive any money during that campaign of 1872 from any person?—A. Not a nickel.

Q. To be expended or used by you in the campaign?—A. Not a cent.

Q. Do you know anybody else by your name of William Swan in this city that was in the employ of the custom-house?—A. No, sir. Some spell their name Swann. I spell mine with one n. I believe there is a Swan here in the city that lives near Poydras.

Q. What is his first name?—A. Indeed I cannot tell you.

Q. If there be a voucher made out in the custom-house here for the sum of \$93 purporting to be pay for services rendered by you in the month of August, 1872, to the United States, you have no knowledge of it?—A. If there is such a one, it must be a forgery, because I have never received a dollar. In plain talk, I would almost knock a man down that offered it to me. I am a man that in my business always make plenty of money, and I have no prospects in life except to enjoy it with my friends. I make \$15,000 to \$16,000 a year.

Q. Have you a brother by the name of Hugh Swan?—A. Yes, sir.

Q. Is he a resident of this city?—A. Yes, sir.

Q. What was his business in 1872?—A. He was working in a store. He is to be found at any time. I could have him up here at any moment. I asked him about this myself. He denied it to me. He said he was once in the United States employ down at the levee as a boarding-officer or something.

Q. Your brother was not employed in the custom-house at that time to your knowledge?—A. Not to my knowledge, although I could not swear but what he was; sometimes I do not see him for months.

By Mr. CONGER :

Q. What time was it that your brother was employed in the custom-house business down at the levees?—A. I really could not tell.

Q. What year?—A. I really could not inform you that. I know he was down there once. He was boarding-officer there then. I believe so; I am not certain about that; he was something in a boat.

Q. What was his name?—A. Hugh.

Q. Do you know Ferguson?—A. Yes, sir.

Q. Did he ever say anything to you about using your name?—A. No, sir; I believe Mr. Ferguson, the very gentleman himself, would say that if I chose to make money out of politics, I have always had the greatest sort of chance, but I have never taken a dollar from a man in my life.

Q. I want to see what reason Ferguson had to use your name.—A. I was informed by some parties since that they have put all the names they could think of on pay-rolls.

Q. Ferguson never talked to you about it?—A. No, sir. I have never talked to Mr. Ferguson on any subject of the kind whatever.

Q. Do you remember if your brother told you how much a month he received while he was boarding-officer?—A. No, sir; he never did. I know he was down there working. I am certain of that.

Q. But you do not remember what year it was?—A. No, sir; I do not.

By the CHAIRMAN :

Q. How did you have information that your name had been seen on a pay-roll in the custom-house in the Treasury Department?—A. By a dispatch sent here to the daily papers. That was the first I saw of it.

Q. Who sent that dispatch?—A. I do not remember the name now; it appeared in the Democrat in the evening.

Q. Signed "Bijou," was it?—A. Signed "Bijou;" that is the first I knew of it.

Q. Your name, if used at all, was used as a forgery?—A. As far as I am personally concerned, I never signed my name to a pay-roll, nor received a dollar, nor ever had any connections of that kind with any party whatever.

NEW ORLEANS, June 7, 1876.

JOHN WALSH sworn and examined.

By the CHAIRMAN :

Question. Have you come before this committee at your own request?—Answer. Yes, sir; I have come at my own request, in response to certain statements made by Mr. Hunt, supervisor of this district.

Q. You may make any statement you wish.—A. About the 25th or 26th of February, 1875, I think, I left here on business in Jackson, Miss. On my arrival at the hotel, which is the Edwards House, I think, at Jackson, and after registering my name, I saw the name of P. B. Hunt, Lexington, Ky. I asked the clerk of the hotel if that was Mr. Hunt, the supervisor of the district. He told me that he believed it was; he thought it was the supervisor, but that if I wished to see him I had better go very quickly to him, that the train I had come by was the one Mr. Hunt was going on to Holly Springs. He told me if I went out speedily I would catch the train. I told him I had no particular business with Mr. Hunt, and that it would not make any difference if I did not see him. After getting through my business the next day I left there. I had in the meanwhile inquired of the clerk whether Mr. Hunt was or was not going to return to Jackson. He told me he did not believe he was, for he believed he was going up to witness the transfer of accounts at Holly Springs, and from what he had heard Mr. Hunt was then going on West. Holly Springs is four or five hours' ride from Jackson. I had not seen the supervisor of the district at the time, for he had not been in that portion of his district. I therefore thought I would go up to Holly Springs and see him. I went up there, and as Mr. Hunt stated when I saw him he was about starting out. I asked him his name. He said his name was Hunt. I gave him my name and asked him which way he was going. He said he was going down to Jackson, Miss., as he felt compelled to return there. I believe he had some Mississippi collector with him, and he said he had found it necessary to return there to Jackson in order to make transfers, either at Jackson or at some point adjacent thereto. I told him I had some business to talk with him about in relation to his district, and that I would take the earliest opportunity of doing so. I told him I had come up from Jackson to see him, and Mr. Hunt said he would be pleased to hear anything in connection with the business of his district, and we got aboard the train together, and after some time, Mr. Hunt came back on the sleeping-car. I rode in one of the forward coaches. Without mention of business up to that time, we talked general matters, politics, &c., and after a while reached Grenada, where we had breakfast. After breakfast I told Mr. Hunt what I had come to see him in relation to. I informed Mr. Hunt that the assessments of distilleries had been at the rate of three gallons up to the time the Carey distillery started, which was in November, 1874. The basis of assessment had been three gallons to a bushel up to the time of Mr. Brooks's raid here in the spring of 1874. I explained this to Mr. Hunt, he not being conversant with it. At that time he had been in office, I think, only some six or seven weeks. I told him of the raid that had been made by the Government, as represented by Captain Brooks, and that out of four distilleries, three had been seized. I was engaged in the distilling business at that time, and mine was the only distillery in the district that had not been seized for violation of the law. I sold the distillery in the summer of 1874, and Mr. Carey, my successor, when about to start it, was informed by the Commissioner, through the collector, that the basis of assessment would be three and a half gallons to the bushel instead of three gallons, as heretofore. There was then no alternative left to Carey but to try it, although no such assessment had been made in this district before, and 80 per cent. of three gallons had been the highest rate fixed. I informed Mr. Hunt that the assessment was excessive, in my opinion, and if he had time I would be very much pleased to have him come down to this portion of the district and satisfy himself as regards the matter. He seemed to express some doubt about his ability to determine whether I was correct or not in my statements. He asked me what particular interest I had in Mr. Carey. I told him I had no interest in the distillery at all, except that I had sold the place to a friend of mine whom I wished to see succeed in business, and that from his stand-point, and mine also, it looked a little as though I had been posted as to the future of the business and had gotten out of it at a judicious time. Except in that way, I said I had no interest, but that I was satisfied that neither he nor any other officer wanted injustice to be done to either a distiller or any other person. Mr. Hunt asked me what his predecessor, Mr. Cobb, had said in relation to that matter. I told him that Mr. Cobb had opposed the increased assessment as being, in his opinion, excessive, and that he was on record in the Department to that effect. Mr. Hunt then asked me in relation to the collector here, Mr. Cockrem. I told him Mr. Cockrem did not know as much of the business as Mr. Hunt did, I thought, for he had just come in the office about the same time as Mr. Hunt had, or a very little before that, and I did not think him very well posted, and from conversations had with Mr. Carey, I was of opinion that Mr. Cockrem would not do anything in the matter at all; that he would not move in it, and was not disposed to take any position whatever in the matter. By that time we had pretty nearly reached Jackson, Miss., again, and Mr. Hunt told me he would go down as far as Brookhaven, probably two and a half hours nearer New Orleans than Jackson. He said he had received a dispatch since going to Holly Springs, and that he was compelled to go there. Until we reached Brookhaven the conversation had been very pleasant all the while, and I had no reason to suppose that Mr. Hunt had construed anything I had said into a disposition or a desire to bribe him. Indeed, I had no interest for so doing. Just the other side of Brookhaven, Mr. Hunt told me that it would not be possible for him to go to New Orleans just then, as he would have to return to his headquarters at Lexington, but that at his first leisure he would go to New Orleans and would examine into this

matter. I told him that the difference amounted to something like \$1,200 or \$1,600 a month in the capacity as assessed now and the capacity as it had been assessed prior to the increase, and that I thought Mr. Carey was of course entitled to what was fair and liberal in the matter. I explained to him that while Carey was getting the assessment at three and a half gallons to the bushel and was reporting it, he was getting it by having recourse to very extraordinary means, and that in the end those means would hurt his business commercially. I told Mr. Hunt this, but he not being a practical man in the business, he did not understand it. At Brookhaven he got off the cars and I came on down to the city. Some time subsequently, I think about eight or ten days, I had occasion to go to Memphis, Tenn., and from Memphis, Tenn., I went East. I was taking my breakfast at the Galt House, at Louisville, on about probably the 8th or 9th of March, or somewhere along there, 1875, when Mr. Hunt came into the dining-hall. He greeted me very graciously. After breakfast I met Mr. Hunt in the hall of the Galt House. I had gone down-stairs and was sitting in the rotunda when Mr. Hunt came up, took a chair, asked me where I was from, and I told him I was from Memphis, and had come there from New Orleans and was then going East. I asked him which way he was from. He told me he was just from New Orleans. I said, "I thought you were not going there." He said, "Yes; I went to New Orleans." After I got through with Brookhaven, I had occasion to go over and examine the office of the collector of internal revenue at Baton Rouge, and after reaching Baton Rouge and getting through with my business, I learned that the quickest way to the railroad was to go on one of the boats to New Orleans. I went down on the boat, took the railroad at New Orleans, and here I am." I said, "Well, did you have time to examine into that matter, Mr. Hunt?" "No," he said; "I did not. I called on the collector, but I did not have any time at all to examine into it. I only staid there a day." After this conversation he told me he was going to Lexington, and he asked me if I had ever been there. I told him I had not. He said that was the center of the blue-grass region, and was not much out of my way as I was going East, and I might as well go by there. Mr. Hunt says I followed him there. I never did. I never did that in my life with anybody. Mr. Hunt and myself went on board the cars together. We left the hotel in Louisville together, and we reached Lexington together, and we registered at the Phoenix Hotel in Lexington together, and took supper that night together. That evening he had a talk with me in my room, a general conversation of a desultory nature. I found Mr. Hunt a very pleasant gentleman, and the next morning I called on him at his office, and again urged upon him the necessity of looking into the matter as early as he possibly could; and I told him I was going to Cincinnati that evening on the train. I bade Mr. Hunt good-bye, and I went on my way East. The next time I saw Mr. Hunt was here in New Orleans, about the 10th or 12th of April, 1875, I think. He had then taken charge of the Carey distillery. I was not aware that Mr. Hunt had ever misconstrued my words, and I can hardly believe that he did anything but misconstrue my remarks. I think I give the gentleman credit for that. I never had any idea that he had misconstrued them until I saw a publication on the 11th of May, 1875, in the Saint Louis Democrat, under the heading of correspondence from Washington to that newspaper, in which mention was made of this matter under the caption of the "Experience of a supervisor." Mr. Hunt did not do it; I suppose this correspondent did it. In this article the correspondent went on to recite just about what Mr. Hunt had stated here, I think. I replied to it under date of May 20, in the same paper, and denied the statement, and I never received any reply from that at all, and never heard anything more of the subject until Mr. Hunt came before this committee and testified the other day. Mr. Hunt goes on to recite some very wonderful facts, which place him in a very unpleasant position, even to take his own testimony, but of course the committee have nothing to do with that except to conclude that he was either an official who did not know his business, or, if he knew it, did not attend to it; I don't know which.

By Mr. STEVENSON :

Q. When you first saw Mr. Hunt there in the depot, state whether you did not go up to him and state to him that your name was Watson.—A. I did not. Mr. Hunt might have misconstrued that.

Q. Did you, when you invited him into the sleeping-car, state to him that you had purposely told him that your name was Watson, but that your real name was Walsh, and that you did not want the other gentlemen to know who you were?—A. No, sir; he misconstrued my name. He got it wrong, and, after we were in the car, I corrected him and I told him my name was Walsh.

Q. Did you say to Mr. Hunt in that conversation that you desired to see him to see whether you could make the same arrangement with him in regard to running his distillery that you had made with Mr. Cobb, his predecessor?—A. No, sir; I never said anything of that kind, and I never had any arrangement with Mr. Cobb.

Q. Do you say now that you had no arrangement with Mr. Cobb?—A. None at all.

Q. Did you say to him that Mr. Cockrem, the collector, desired you to see Mr. Hunt, and that if Mr. Hunt was all right, you would then go ahead as you had been doing and run the distillery as before?—A. No, sir; I never told him anything of the kind.

Q. Did you say to Mr. Hunt that if he would stay away and allow the distillery to run as

it had been running that you would pay him \$1,000 a month?—A. No, sir; I never told him anything of the kind.

Q. Did you say anything to him in that conversation in regard to the payment of money?—

A. No, sir; the only allusion made to money was that I told him what the difference was between the assessment of three gallons to a bushel and three and a half gallons to a bushel, and that if Carey endeavored to make three and a half gallons to the bushel in the ordinary way of distilling, he would fall behind \$1,000 to \$1,600 a month, estimating it upon what his capacity was at that time.

Q. You took the trip out there to Lexington from Louisville merely at his suggestion?—

A. I did, sir. I cannot very well see how I could go to a gentleman unless he asked me to.

Q. You had no object in going there, except the suggestion that he made to you?—A. None, sir. If I had business with him, I could have as well done it at Louisville as at Lexington. I had no object there whatever, but there was a friend of mine named Winston, a gentleman whom I had known in the Army, and, while I was there, I thought I might as well see him.

Q. Did you send a telegraphic dispatch or have one sent from Washington in regard to meeting Mr. Hunt?—A. No, sir; never. I have never received a dispatch of that kind. The grand jury has had full control of the telegraph office, and I do not believe they have ever discovered a message. I certainly have never seen any. I see that Mr. Hunt is under an impression that I received a telegram from General West. General West and myself have not been particularly friendly to one another since 1870. I do not think I have spoken ten minutes to the gentleman at any time since that day.

By Mr. CONGER:

Q. You appear before the committee at your own request?—A. Yes, sir; I addressed General Gibson on the subject.

Q. You wished to make a statement in answer to Mr. Hunt?—A. Precisely.

Q. Have you stated all you wish to state?—A. I have stated all so far as regards the conversations I had with Mr. Hunt. Mr. Hunt, in regard to his official acts, says that that distillery was run in violation of the law. The record shows that he never seized it for any violation of the law. The record shows that he never seized or detained a gallon of whisky made in that distillery. He examined that distillery and took charge of it. According to his own testimony, he had watched it very vigilantly and had discovered no fraud, and yet he made an assessment against the distillery for an overproduction of whisky. If his assessment was correct, it required a removal of that whisky, and if he was watching that distillery, as he says he was, he should have discovered that fact.

Q. Your complaint against Mr. Hunt, then, is that he lacked in vigilance?—A. According to his testimony, I think he did, and according, also, to the fact that he made an assessment against that distillery.

Q. He seems to have been vigilant enough to stop the distillery?—A. He did not stop the distillery. The distillery stopped of its own volition. The still was out of order and the machinery was in a bad condition. The distillery ran some ten or fifteen days after Mr. Hunt took charge of it. The distillery moved the grain and whisky away of its own accord. It was some two months subsequently before Mr. Carey was aware that anything was charged against it.

Q. During all this time of the conversation which you had with Mr. Hunt, and while the distillery was being run by Mr. Carey, and when it was stopped and the grain and whisky moved away, did you have no interest in it?—A. I had no interest in it whatever, except that I was a wholesale liquor-dealer in the city, and I was very cognizant of what was going on in the place.

Q. Whatever you did, you did in behalf of the person you sold the distillery to?—A. I did only what I tell you in relation to that. I was a surety on Mr. Carey's bond, and I became very conversant with the matter, because it was my interest to be so. I was sued in the United States court for \$24,000 on an assessment made by Mr. Hunt.

Q. That was after all this that you have told us had taken place?—A. Yes, sir.

Q. All that you did in going to see Mr. Hunt was in behalf of Mr. Carey?—A. I do not admit that I went to see Mr. Hunt. I simply admit that I met the gentleman.

Q. But, whatever you did, you did on behalf of Carey?—A. I did it on behalf of Carey, the owner of the distillery to whom I had sold it. I had not to offer Mr. Hunt anything.

Q. Mr. Hunt says you told him that certain officers of the Government had been receiving \$1,000 a month.—A. Yes, sir; he says that I told him Mr. Cobb had received that.

Q. You have not alluded to that yet in your testimony.—A. Mr. Stevenson asked me the question whether or not I had stated that. I say I did not. I denied that a year ago in the columns of the Saint Louis Globe Democrat. Mr. Hunt has never made any response to that reply except what he said before the committee the other day. The proper place to have displayed that fraud was on the trial of the United States against D. M. Carey and myself. He did not do it there; he was not a witness.

Q. Was judgment obtained in that suit?—A. No, sir.

Q. How was that?—A. The Government had no witnesses; that is to say, they did not put any on the stand. Mr. Beckwith, the district attorney, had subpoenaed all of Mr. Hunt's deputies, numbering five. They sat in court, and when the plaintiff was asked if he had any

witnesses, Mr. Beckwith remarked that it would not do to have a verdict against the Government; that it would not do to go before the jury in the first whisky case in that district and be defeated, and he, I believe, moved a continuance of the case. The judge at first declined granting it even though the plaintiff paid the costs. Judge Woods said he was not aware of any law that allowed the Government or any other plaintiff to do that after the defendant had exposed his line of defense. Mr. Beckwith quoted the civil code of this State in reply—I forget the number of the section—and on showing that to the court, the court ordered that the case be discontinued, the Government having the right at any time to take it up again.

Q. If I understand you rightly, then, without any proof being offered on the part of the prosecution, the defendant went on to make his defense?—A. Yes, sir; the assessment under the Federal statutes is a *prima-facie* case. The prosecution simply puts in the assessment, and then the defendant makes his defense.

Q. Then, the case on the part of the Government had been made out, and you had gone on with your defense?—A. We went on with our defense. Then the Government had parol evidence to offer, but they never offered it. The gentlemen that were in court as witnesses for the prosecution, I should say, were the best witnesses the defense had.

Q. Was Mr. Hunt present at that trial?—A. No, sir, he was not. I will state here that I have been indicted, and I presume there was some evidence on which to do it; but I very much question that there was enough to indict me on. If there was evidence on which to do it, it was not given by Mr. Hunt, for Mr. Hunt and his deputies had to announce that this district was all right. He stands on record in the Office of the Commissioner of Internal Revenue at Washington as having reported this district all right.

Q. Was not that report made after the distillery stopped?—A. Yes, sir; nevertheless, there was that assessment made after it was stopped.

Q. He did not report it all right before it was stopped?—A. He did not report it wrong.

Q. But he commenced suit?—A. No, sir; that was subsequently; it was six weeks after the stopping of the distillery before this assessment was made.

Q. The assessment was made for the running of the distillery long before?—A. Yes, sir; the assessment was made for whisky which he alleged to have been produced and to have not paid the tax. Mr. Hunt examined my wholesale liquor-dealers' books, that is, his deputies, Mr. Hill and Mr. Tompkins, did. They examined the rectifying-house, and they had charge of the distillery, and everything was found all right. When those gentlemen left here, in the latter part of May, 1875, there was no report made at all that there was anything fraudulent down there. In the fall of 1875, or perhaps the beginning of the year 1876, Mr. Hunt was superseded by Supervisor Brady. When Supervisor Brady reached here the case of the United States against Carey and myself for \$24,000 was then on trial, and when the Government found that it had no case the case was discontinued. They made tremendous efforts to find out something. They were convinced there must be something wrong; they were very well sure there must be, and General Brady and his deputy, Mr. Wheeler—not Supervisor Hunt—discovered what was claimed to be irregularities in the matter of gauging, and on that irregularity the indictments were had. The indictment has never been tried, not through any fault of myself or my co-defendants, however, and, indeed, through nobody's fault. The business was pretty heavy during the term, and the civil suit of the United States against Carey involving this \$24,000 was pushed to trial because of my wish to go to San Francisco; otherwise, probably, that would not have come up.

By Mr. STEVENSON:

Q. Did you have any correspondence with Mr. Cobb in regard to his successor?—A. I never wrote him a letter in my life.

Q. Did you ever send him any telegram?—A. Never.

Q. Did you not send him a telegram on the 16th of January, of which this paper [producing a paper] is a copy?—A. I do not recollect it.

Q. The telegram is as follows: "New Orleans, January 16, 1875. K. R. Cobb, care of C. L. Cobb, M. C., Washington, D. C. Wrote to-day. When will your successor be here?—J. A. W."—A. I believe that is mine. I never wrote him a letter, to my recollection.

Q. You did write to him?—A. I do not know whether I did. The telegram does not indicate it. I might have done so. I did not think I had ever telegraphed to him about it. I had very little to do with him. He had been in the district very little.

Q. You had interviews with him when he was in office, had not you?—A. No, sir; I don't think I ever had any interviews with him. I met him casually, occasionally, on the street. Sometimes I met him in the evening. He was consumptive, and we would walk out together. I think I met him on some occasions in that way.

Q. What was your object in telegraphing to Cobb, at Washington City, and asking when his successor would be in New Orleans?—A. If I had any object at all, I presume it was in order to interview the gentleman, probably, on the very subject I did speak to him in relation to. I do not recollect about that now, or that I had any particular object in it at all.

Q. You must have had some object in telegraphing to Mr. Cobb at Washington City, and making that request?—A. I say that it was very possible I wanted to speak to his successor in the matter of this assessment of three gallons and a half to the bushel. I have no

recollection of that telegram, and I do not remember writing to Mr. Cobb. It is possible I may have written to him, but I have no recollection of it. The telegram is not a copied one.

Q. Do you recollect Mr. Hunt bringing some gaugers from Kentucky?—A. Yes, sir; I do.

Q. How long did the distillery run after these gaugers were placed there?—A. I think ten or fifteen days.

Q. Is it not a fact that the distillery closed in about five days after those gaugers were put in there?—A. No, sir; there is no such fact shown in the record. I think the record will show it ran from ten to fifteen days afterward.

Q. At any rate, the distillery closed and has not run since?—A. It could not run since.

Q. As a matter of fact, did it?—A. It did not, because of the assessment pending against it. The Commissioner would not allow it to run. The time the distillery closed was the usual time for closing distilleries every year anyhow.

By Mr. CONGER:

Q. In conformity to that telegram, did you write to Mr. Cobb?—A. I really cannot say. I do not recollect. I say I did not recollect even sending that telegram.

Q. Did you receive a reply from Mr. Cobb?—A. I do not think I did.

Q. Did you receive any letter from Mr. Cobb?—A. I do not think I ever received a letter from Mr. Cobb. I am trusting to my recollection and memory in this matter.

Q. Did you ever receive any letter from anybody in his behalf?—A. Never, to my recollection.

By Mr. STEVENSON:

Q. You do not remember about that any more than you remember about writing to Mr. Cobb, or sending that dispatch?—A. I did not remember about sending that dispatch.

Q. You do not remember writing the letter you refer to in that dispatch?—A. I do not remember writing the letter. I may have done so. There was nothing irregular in it any more than there was in that dispatch.

By Mr. NEW:

Q. You do not deny sending that dispatch?—A. I do not. I think that is my dispatch.

Q. And you do not deny writing a letter to Mr. Cobb, as indicated in this dispatch?—A. I do not admit that.

Q. Do you deny it?—A. I would have to be positive to do that; it is a mere matter of recollection with me.

Q. What is your best judgment as to whether you did write the letter or not?—A. I do not think I did.

Q. If you think, as you now say, that you probably did send this dispatch, how do you reconcile that opinion of yours with the statement that you do not think you wrote to Cobb; when this dispatch represents that you did write to him?—A. That might occur to yourself or anybody else—that you might telegraph that you were going to write, and not write after all.

Q. The language here made use of is "Wrote to-day."—A. That might be, and then I might not have done it.

Q. Would you be apt to say, "Wrote to-day," if you had not written; judging from your own manner and habit of doing business, would you be likely to make such a declaration by telegraph if such was not the fact?—A. I do not know, sir.

Q. Is it not true that if you so stated in your dispatch, the probabilities would be that you stated the truth, and that you had written?—A. Possibly. I say possibly I may have written.

Q. Would not that be the probability in your judgment?—A. I do not know whether it would be or not. I leave that to you to judge.

Q. You say you are not prepared to say, then, that in your opinion if you stated so in your dispatch, it was probably the case?—A. I would suppose that if I had telegraphed to a man that I had written to him, it is very possible I should have done so.

Q. Would it not be probable that you had?—A. The difference between us is very little; I do not know.

Q. If there is any difference, would it not be that it is a probability rather than a possibility in your judgment?—A. I say possibly, sir.

Q. Do I understand you to say by that answer that you think it was a probability?—A. I think it is possible it might be.

Q. Is your answer now that you think it is possible that it might be probable that it was the fact?—A. Yes, sir, possibly.

By Mr. CONGER:

Q. Is that telegram marked paid?—A. It is paid.

Q. Do you keep a letter-book?—A. No, sir; I do not.

Q. Did you then?—A. I did keep a letter-book; yes, sir, then. I kept a letter-book for my ordinary letters. Whenever I sent a telegram from the office, I would naturally take a copy of it, but that telegram, I think, was written outside. I judge from the way I wrote it that it was hurried.

Q. If you wrote a letter, would that be copied in your letter-book?—A. I do not know. Some of them I copied, and some of them I did not. I had no partners, and it was a mere matter for my own convenience if I copied it.

Q. If you received a letter from Mr. Cobb, have you now got it in your possession?—A. No, sir; I have no recollection of ever receiving a letter from Mr. Cobb.

By Mr. NEW:

Q. State whether the telegram that has been exhibited here is or is not in your handwriting.—A. I think it is—yes, sir; it is.

By Mr. STEVENSON:

Q. State why it is that when you sent a telegram to Mr. Cobb, the supervisor of internal revenue, you did not sign your name in full instead of signing your initials to the dispatch.—A. I very rarely ever signed my name in full.

Q. If you very rarely sign your name in full, do you sign your initials J. A. W. usually, instead of your full name?—A. I used "W." very frequently.

Q. If you had not been in the habit of writing to Mr. Cobb, and corresponding with him, and were not intimate with him, how would Mr. Cobb know from the initials J. A. W., New Orleans, that the dispatch was from yourself?—A. Those initials are rather peculiar. I never thought of the matter at all. I had no reason to doubt but what he would know that was from me. I do not know whether he would know that it was from me or not.

Q. You did not desire to carry on a correspondence with an official of the Government with whom you had business transactions without his knowing that the letters or dispatches you sent were from yourself?—A. I had no business transactions with Mr. Cobb.

Q. Do you say you had none whatever?—A. None that I recollect of.

Q. You merely sent him a dispatch to the effect that you had written to him that day and asked him when his successor would probably be in New Orleans, and signed it J. A. W.?—A. I think my letter to Mr. Cobb was entirely in regard to personal and political matters, involving myself and others.

Q. Then you now have recollection about that letter?—A. I do not know; I say possibly. I never recollect receiving a letter from Mr. Cobb.

Q. Do you say you never received any reply to the telegraphic inquiry as to when Mr. Hunt would be here?—A. No, sir; I do not think I ever did.

Q. Did you send Mr. Cobb any other dispatch?—A. Not that I recollect of.

Q. You did not pursue the investigation further as to when Mr. Hunt would be here?—A. I do not think I did.

Q. Is it not a fact that your interview with Mr. Hunt, which he described to us, was in pursuance of an answer that you got from Mr. Cobb in reply to this dispatch that has been exhibited here?—A. No, sir; I have no hesitation in saying most emphatically that it was not in consequence of a reply to a dispatch from anybody. My meeting with Mr. Hunt was purely accidental as I have told you.

Q. It was purely accidental up there in Mississippi, and then it was accidental again at the Galt House?—A. It was not accidental at Holly Springs, but it was at the Galt House.

Q. It was purely accidental that you went out to Lexington and saw him there?—A. No, sir; it was not; that was at his request.

Q. By his invitation?—A. Yes, sir.

Q. You had had no intimacy with Mr. Hunt up to that time?—A. None whatever.

Q. Did he invite you to his house when you were there?—A. No, sir; he put up at the Phoenix Hotel; the same hotel as myself.

By Mr. NEW:

Q. Do you know whether Colonel Hunt was keeping house at Lexington?—A. I do not.

Q. Do you know whether he was a man of family?—A. I do not, but I do not think he was. I think he told me he was not married; that is my recollection.

Q. Where did you put up while you were at Lexington?—A. At the Phoenix Hotel.

Q. And he staid there too?—A. He staid at the Phoenix Hotel too; he registered in the same book as myself.

Q. Did he remain at that hotel while you did?—A. Yes, sir; he told me he was stopping there.

Q. Did he seem to be a guest there?—A. Apparently he did; he told me he was going to stay there that night. I did not stay there except one night.

NEW ORLEANS, June 7, 1876.

FRANK M. WICKER sworn and examined.

By the CHAIRMAN:

Question. What is your residence?—Answer. Key West, Florida.

Q. What is your employment?—A. Collector of customs at the port of Key West.

Q. How long have you been in that position?—A. About two years and a half.

Q. Have you any knowledge of any irregularities in any shipment from Havana by way of Key West to this port, of cigars or other merchandise, or the attempted illegal shipment of such merchandise or cigars?—A. I will state to the committee that I have made a full report in regard to the seizure of certain cigars at Key West, and that my report is now on file at the Treasury Department. That report embraced something like one hundred pages. I was compelled to visit New Orleans in order to obtain additional information and in order to make the seizure. I visited this port in compliance with telegraphic instructions from the Department. I made the seizure in consequence of the cigars having been entered on false invoices.

Q. Give us the history of the matter, leaving out all reference to your report for the present, as well as you are able to remember.—A. It would be impossible for me to go back four years and explain from memory what I said in a report so long ago. The facts are simply these: Upon the arrival of the steamship Margaret at the port of Key West, from Havana, in August, 1872 or 1873, I think there was upon the manifest, an entry, "A. D., 7 cases of merchandise." Upon the arrival of a steamer from a foreign port, at the first port of arrival in the United States the entire cargo is either discharged at that port or it is bonded to be delivered at some other port in the United States. The collector at the port of Key West found it difficult to lay the duty on seven cases of merchandise, as it was altogether too indefinite; it might be seven cases of boots or shoes, or of hardware or of cigars or silk, but the inspector who had charge of the discharge of that portion of the cargo destined for Key West informed me that the seven cases manifested for New Orleans contained cigars, although they were manifested as merchandise simply. I was at that time Treasury agent, stationed at Key West, and my suspicions were aroused, and I caused the cases to be opened and I ascertained that they were cigars. I then had them removed to the warehouse, but I did not seize them; I simply detained them. I counted the cigars and I found that the cases contained 49,000. I then proceeded by first conveyance to Havana, and called upon the United States consul at that point for invoices of the entire cargo of the Margaret, and among the invoices I found one covering the seven cases that I had detained at Key West, in which the cigars were described as being 25,000 cigars. I then made a seizure of them, telegraphed the facts to the Department, and received instructions to proceed to New Orleans to get additional information; in other words, to see if an attempt at entry had been made there. Importers usually make their entries by broker, and it is customary at some ports to make a preliminary entry prior to the arrival of the steamer in order that there may not be delay, and so that the goods should not be consigned to general-order store, thus saving expense. I found that the cigars were consigned to A. D., which proved to be A. Dubruille. I discovered that Mr. Dubruille was not the principal in the case, but was a clerk in the employ of Messrs. Bornio Brothers, of this city, and that Bornio Brothers were the principals or the owners of the cigars. My object in coming here was simply to prove ownership, and to prove the attempt at entry of the cigars. The case was afterwards decided in the United States court, and I made the point that the swearing to the invoice in the foreign port of Havana with intent to ship to this country was a partial entry, and on that ground I watched the case and the cigars were condemned. The only thing that reflected upon the custom-house officials here was the fact that the shippers were bold enough to ship 49,000 cigars covered by an invoice describing only 25,000 cigars. It seemed to display an amount of confidence in the appraiser of cigars at this port, as of course the cigars, when sent to the appraiser's office, would be discovered to be 49,000 instead of 25,000, if they were ever allowed to go there. I cannot say about that. I would not presume to say but that the appraiser would appraise them properly at 49,000 if I had given him that opportunity, but I detained the cigars at Key West. The fact that they were consigned as merchandise awakened suspicion in first place, and by following up the goods I convinced myself that there was fraudulent intent, and won the case.

Q. What particular steps did you take when you reached this city to ascertain whether any attempt had been made here of that kind, or whether there had been any irregularity in regard to the shipment?—A. My first step was to visit the custom-house. I called there and procured the duplicate copy of the invoice of those cigars. I found that the records of the custom-house showed that the invoice had been received, but it was checked as having been delivered out to some parties. The deputy informed me that he presumed the importer or broker had borrowed the collector's copy for the purpose of making an entry, on the ground that the importer's copy of the invoice had been received. About this time, the importers had evidently learned that the cigars had been detained at Key West, hence no entry was made for them. I questioned the broker, and he said he did recollect borrowing the invoice with the view of making an entry, and that to the best of his memory the cigars described in that invoice were in number about 25,000. That agreed with the invoice which I had procured from the consul at Havana.

By Mr. NEW:

Q. Did you get hold of that duplicate copy at all?—A. It was a quadruplicate copy, made by the consul, under the consular seal, at Havana.

Q. What was the particular way in which you tried to get hold of that copy?—A. You will bear in mind that copies are made out in triplicate. One goes to the importer, one is forwarded to the collector of the port where it is intended to enter goods, and one copy is filed by the consul.

By the CHAIRMAN:

Q. Are these entries usually made by brokers?—A. They are usually made by brokers.

Q. Did this broker state to you for whose account he intended to make the entry?—A. If he did, it was for Mr. Dubruille. Mr. Dubruille was the only one I could find. I could not find Mr. Dubruille myself, but I found his name.

Q. Why had not the broker proceeded to make the entry?—A. From the fact that they had no cigars to enter. The Government had already detained the cigars at Key West.

Q. How did the brokers get knowledge of that fact?—A. I do not know, unless information came from the master of the vessel by telegraph. The master of the vessel felt his responsibility in having cargo taken out of his vessel five hundred miles from its destination and he was very much exercised about it.

By Mr. NEW:

Q. Why should he be exercised?—A. Because he was responsible for the cargo, and the cargo was shipped through to New Orleans.

By the CHAIRMAN:

Q. Did you make any search for Messrs. Bonio Bros.?—A. I did. I was informed at the custom-house that Mr. Dubruille could be found at Bonio's; that he was a relative or clerk there, or was in some way or other connected with that house. I proceeded to Mr. Bonio's and made inquiries for Mr. Dubruille, and they said they knew no such man as Mr. Dubruille.

Q. Did you understand what the fact was as to whether they did or did not know any such man?—A. I did, from the fact that I captured all the correspondence between Bonio Bros. and the firm at Key West, who acted as their agents. I had their letters translated, and I found by those letters that they were the actual owners of the cigars, and not Mr. Dubruille.

Q. Was it a fact that came within your knowledge that Mr. Dubruille was or not employed in the service of the house?—A. I never was able to learn that, for I merely understood from report and rumor that he was employed by that house, and that the shipment was made to him and in his name.

Q. Did you get any information either from Bornio Bros. or other sources to show that these cigars belonged to them?—A. I did, as I say, through a correspondence with a firm at Key West, to whom they had written requesting them to purchase the cigars, and inclosing a true invoice for 49,000 cigars, together with their cost.

Q. It appears, from your statement, that the original invoice, that is, the invoice sworn to before the American consul in Havana, was false, because it called for 25,000 only, when 49,000 were actually shipped?—A. Yes, sir.

Q. And you held that that, at the outset, was an attempt to evade the law?—A. Yes, sir; to evade the law.

Q. By whom was that invoice sworn?—A. It was sworn by Mr. Bornio in Havana.

Q. Who was the American consul before whom it was sworn?—A. Henry C. Hall, the acting consul in the absence of General Torbett.

Q. The goods were manifested on the vessel as merchandise?—A. As merchandise.

Q. Is that the usual way in which such goods would be manifested on a ship?—A. No, sir.

Q. How would it appear in the ordinary course of trade?—A. As so many cases, containing so many thousand cigars.

Q. That was another evidence, then, of an intent or purpose to defraud the Government and violate the law?—A. The motive at that end of the line was simply the motive to defraud the Spanish government out of its export tax. The Spanish government gets an export tax on cigars, and if they can ship cigars as merchandise, they do so to evade that tax. Besides that, they have to pay on the steamers more freight on cigars than on merchandise. They pay so much per cubic foot.

Q. So, then, we have a triple motive for fraud: first, a false invoice which would defraud the American Government; and then the manifest was false, which would defraud both the Spanish government and the steamship companies?—A. The manifest was not false.

Q. It was incorrect?—A. It was not even incorrect. There was no violation of law in regard to the manifest.

Q. But it tended to defraud the vessel itself?—A. It might have, if the master of the vessel did not know the contents of the cases.

Q. You said the steamship company charge more freight for cigars?—A. They charged more, as I was informed at the time, per cubic foot for cigars, than they do for any other freight.

Q. Then if these cases were shipped as merchandise and not as cigars, they evaded paying the extra tax to the Spanish government?—A. Yes, sir.

Q. Did they succeed in that?—A. The goods were shipped as merchandise. I do not know what their object was in doing so, but the fact that so many cases are manifested as merchandise is not in itself fraudulent, because wherever the entry is made, the consul is supposed to know the contents of those cases.

By Mr. NEW :

Q. After you got here what else did you do in the matter, or whom else did you see in the matter other than you have stated already?—A. I saw many different parties here, and received assistance here. I was assisted by Mr. Kinsella in working up this case and getting information as to the ownership of the cigars.

By the CHAIRMAN :

Q. Did you see Mr. Dubruille after you arrived here?—A. I have no knowledge of seeing Mr. Dubruille here. I was in search of him several days.

Q. What information did you get here as to the ownership of those cigars?—A. The mere fact that Mr. Dubruille was said to be a clerk in the employ of Bornio Brothers. I knew that Bornio Brothers were large dealers.

Q. Was any other party in this city represented to you as the owner of the cigars?—A. No, sir; Mr. Dubruille was represented the owner of the cigars, and, for all purposes of the law, was the owner. He was the consignee, and the consignee is always considered to be the owner—that is, the bills of lading were made out in the name of A. Dubruille.

Q. What would have been the process by which these cigars would have been cleared had they arrived at this port? Suppose they had passed Key West, where you were stationed, and had reached the port of New Orleans, what would have been the method by which they would have been delivered to the consignees and passed through the custom-house?—A. The process would have been to make entry for the immediate consumption of the cigars, and if the invoice had been presented at the time of making the entry, and the entry had agreed with the invoice, there would have been a fraud committed through connivance with the appraiser of the port and the inspector of cigars. Had the appraiser done his duty, the cigars would have been seized the moment the entry was made under this fraudulent invoice.

Q. Did you get information in the investigation of this particular case of any other irregularity here in reference to the receipt of cigars?—A. There is one instance that transpired some time prior to this which led to making the seizure of the seven cases. Eleven cases had passed through the port of Key West some time prior to the time of my making the seizure, manifested as merchandise and consigned to H. G.

Q. What did H. G. mean?—A. I do not know. They said, jestingly, H. G. stood for Horace Greeley.

By Mr. REILLY :

Q. Did these cases go to New Orleans?—A. At New Orleans. These cases were quite large, and were not the usual cases in which cigars are packed at Havana. They seem to have been made for the occasion, of white-pine lumber. At the time of seizing the seven cases, my attention was called to the fact by the inspector that eleven cases passed through a few weeks before, and that they were also cigars manifested as merchandise, and that he had corded and sealed them in accordance with instructions from the collector. My first impression was that it was the intention to land these cigars somewhere between Key West and New Orleans, and then substitute seven soap-boxes, or seven boxes of any other merchandise, and fill the bill here with any merchandise that they might place on board the steamer. That was one object I had in detaining the cigars at Key West.

Q. What did you ascertain to be the facts with regard to those eleven cases?—A. I ascertained the eleven cases had passed through the custom-house, through the appraiser's office, and had been entered as containing a quantity of cigars and of cigarette-paper, and of different other merchandise.

Q. Who had made the entry of those cigars?—A. The entry was made by B. Tiemann. He keeps a cigar-store in the city here.

Q. Did you see him and get any information from him about these cigars?—A. I called at his store for the purpose of purchasing cigars of the same brand as those he had entered or contained in the same cases. I found that his wholesale department was at another place. He said he could not fill an order for me there.

Q. Was there anything that transpired while you were in his store that created any suspicion in your mind as to the fact that he was not the true owner of the cigars?—A. I was convinced that he was not the true owner of the cigars from what I saw while I was in the store.

Q. What was your reason?—A. My reason was that he had a very small store and had a very small stock of goods in it. It became necessary to go to his wholesale department to fill a large order. Visiting his wholesale department, I found that that was owned by another party.

Q. Who was that other party?—A. Frank Masich.

Q. State what transpired at Mr. Masich's.—A. At Mr. Masich's I found the cases originally sealed at Key West—the eleven cases.

Q. Did this Mr. Masich seem disposed [to give you information, or afford you facilities for making your examinations?—A. He was laboring under some excitement, and I was simply pricing cigars at his place. I really required no information from him.

Q. State what occurred there.—A. I requested permission to go to the third story of the building, which was denied on the ground that he did not own the building. I procured permission from the owner of the building to go into the third story, and I there found the cases I have spoken of—some of them broken open.

Q. They were broken up, or were they being broken up?—A. Some of them were already broken up and some were being broken up.

Q. Were they the identical cases that were shipped via Key West as merchandise?—A. They were the identical cases that were shipped via Key West.

Q. Had this Mr. Masich been informed that you were an official of the Government or a Treasury agent?—A. He was so informed by myself, upon a direct question who I was. I informed him I was a special agent of the Treasury Department.

Q. Did he say anything to you, when he ascertained that you were an agent of the Treasury Department, looking toward an arrangement?—A. No; I cannot say that he did. He was pleased to know that I enjoyed a fine cigar, and that I was a great smoker, and he gave me one or two to smoke, which would be usual in a place of the kind; and I think he volunteered to bring a few cigars to my room that evening, which I declined to receive.

Q. Did he propose to pay you a visit for the purpose?—A. He said he would like to see me that evening. I do not know what his motive was. I declined to see him.

Q. Why did you decline to receive him?—A. I knew that he could not give me any information that I did not already possess, and I knew that if he had any information he would not give it to me voluntarily. I was satisfied with the information I had already received; hence I had nothing to gain by an interview with Mr. Masich.

Q. Did you have reason to believe, or did you believe, that he thought by that proposition he might have something to gain in an interview with you?—A. I do not know that he did. He is one of those men that fear an official. He seemed to be exercised. He is presumed to do business square, but he knew there was something about this case that he did not exactly understand. He was not the importer. Mr. Tieman was the importer and kept the cigars at this place. Masich was a little excited, but he was not at fault, as I found the cigars properly passed at the custom-house and the duties paid; hence I was at a loss to know why he should evince any anxiety. I will also state that there was some tobacco and, I think, tin-foil in the cases—these eleven cases, that is.

Q. Eleven cases were entered by appraisement at the custom-house, and the duties paid on so many cigars and so much paper and other merchandise contained in the 11 cases?—A. Not having examined the cases, I presume that the appraiser was correct, and that the duties paid were correct. The only suspicious thing about it was, that these cases were shipped as merchandise, and addressed, or, rather, consigned to parties who were not the *bona-fide* owners of the goods.

By the CHAIRMAN:

Q. Do you know how many cigars these cases would hold?—A. I did know at the time; I took the cubic contents of the cases.

Q. Do you know whether they were appraised at the custom-house in this city for the full amount of cigars that the boxes would contain?—A. That I cannot say, because I was credibly informed that they did not contain cigars. They were filled with cigars, cigarette-paper, and other merchandise; and the appraiser's report shows the contents of the cases, and shows that the proper duty was assessed and collected.

Q. That is, the duty was assessed correctly on the face of the thing?—A. The duty was assessed in accordance with the appraiser's report, and the appraiser's report was based on an uncertified invoice. The cigars entered by appraisal do not need to produce the consular invoice. That invoice was produced and the bond was canceled in accordance with the law.

Q. You do not know whether the boxes contained identically what appeared in the consular invoice?—A. I do not, from the fact that I did not open them.

Q. Were those boxes of unusual size?—A. They were an unusual size for cigar-boxes. Cigar-boxes are manufactured in Havana, and are well known to the trade. It is a certain box strapped in a certain manner, and usually with the brand of the manufacturer on the case. They are made to hold five thousand, or ten thousand, or fifteen thousand, and are made to fit the boxes. These eleven cases were large, were made of white-pine lumber, and were made for the occasion.

Q. Is it usual to ship cigars together with paper and other articles?—A. Not to my knowledge. I will say that at Key West very few or no cigars are imported, and hence my testimony on that subject would not be very reliable.

Q. Do you know whether or not there was any notice in the invoice or anywhere else that there was guava jelly with any part of this shipment?—A. I do not know.

Q. Do you recollect the date of this first shipment of cigars which you seized, and the name of the steamer?—A. It was the steamer Margaret. I think it occurred in August. It is impossible now to state from memory the date, and I cannot undertake to do so. I have made a great many reports in my career as special agent, and I may get them confounded.

Q. You refer us to your report for the dates?—A. I refer you to the report which is on file at the Treasury Department, and I have no doubt the committee can procure it.

Q. Do you recollect the date of the shipment of cigars that Mr. Masich proved to be the owner of?—A. That was some time prior to the shipment of the seven cases that I seized.

Q. You stated that the irregularity with reference to this shipment was accounted for in a particular manner—this first shipment of seven cases, where forty-nine thousand cigars were

invoiced as twenty-five thousand. State to the committee what information you have with reference to this shipment.—A. The defendants set up in court the plea that they had shipped two lots from Havana—one lot containing forty-nine thousand cigars, and one lot containing twenty-five thousand cigars, and that the twenty-five thousand were intended to be shipped by the steamer Margaret, via Key West, while the forty-nine thousand were to be shipped direct from Havana to New Orleans. They claimed that the drayman or the shipping-clerk made an error and sent the seven cases containing forty-nine thousand cigars on board the Margaret, via Key West, while the twenty-five thousand cigars went direct. I will state that I afterward procured an invoice from the consul at Havana, describing forty-nine thousand cigars or the invoice, which was dated some time later, and I have caused it to be ruled out in court, and it was not admitted. The invoice for twenty-five thousand cigars was made at the time of the shipment by the Margaret. I will state furthermore that these seven cases were not the regular cases in which cigars were ordinarily packed. They were hardware boxes—old boxes patched and nailed up—the ordinary cases in which tin hardware or hardware of any kind is shipped from New York. They were not the regular cigar-cases.

Q. State whether you procured the assistance of any of the United States officials in this port in the investigation which you made.—A. I did. I received the assistance of Mr. King and of quite a number of inspectors.

Q. You afterward made a report of these transactions to the Department?—A. I did.

Q. In that report was the irregularity, so far as the port of New Orleans was concerned, with reference to these consignments pointed out?—A. It may have been. I cannot speak now in regard to the report. I am now speaking simply from memory in regard to what I found out. That report speaks for itself.

Q. Who were the inspectors here that assisted you?—A. I cannot give the names of the inspectors now; they are mentioned in my report. In fact, I may have had the names, but I would not recollect the names if I heard them. I had very little to do with them in fact.

Q. Do you recollect whether one or more of the officers of this port was removed from this port in consequence of your report?—A. I think Mr. Ong, the appraiser of cigars, in consequence of the report I made, was removed. My report may reflect on Mr. Ong, but it was simply a suspicion. The shipment of forty-nine thousand cigars covered by an invoice of twenty-five thousand simply displayed a great deal of confidence on the part of the consignee in the appraiser, that he should believe that the appraiser would pass those cigars at twenty-five thousand, in accordance with the invoice. If the appraiser did not pass them they must be seized, provided the entry was made on that invoice.

Q. The shipper, knowing that the appraiser must examine them, would be going to destruction unless the appraiser were in concert with him?—A. He would have gone right to destruction, provided he made an entry on that invoice for twenty-five thousand cigars when there were forty-nine thousand.

Q. What was the irregularity in the Masich case?—A. I have no knowledge of that. I found that eleven cases had passed through the custom-house by appraisement and had paid duty in accordance with the invoice.

Q. You think, however, that there were suspicious circumstances connected with that shipment?—A. There is the fact that they were shipped as merchandise.

Q. But there is the fact that they were consigned not to the true owner?—A. They were consigned not to the true owner; that was known as the Horace Greeley shipment, at the port of Key West. The initials "H. G.," the inspector said, must belong to Horace Greeley. Greeley was then prominent before the people, and probably would have wanted to use a large number of cigars for his friends.

Q. What officer was it that you said was removed in consequence of your report?—A. I learned that Mr. Ong had been removed. Although I did not take any credit for his removal, I always labored under the belief that my report had something to do with it, although nothing was shown in it to implicate Mr. Ong in any way with having passed any cigars or any merchandise improperly.

Q. You made no official charge in your report against Mr. Ong?—A. No, sir.

Q. He was only implicated so far as the facts in your report implicated him?—A. That is all.

By Mr. REILLY:

Q. At the time you seized these seven cases at Key West, Fla., had you at that time been aware that these eleven cases, which some time previously had passed through the port of Key West and were there corded and sealed, were passed as merchandise, or did you learn that after you seized the seven cases?—A. I may have heard the inspector at Key West comment on the shipment that they were eleven cases of merchandise, while they were cigars. There is nothing illegal in shipping cigars as merchandise; it rests with the customs authorities at the port of arrival to ascertain what it is.

Q. In your observations at that time was there anything in the shipment of those eleven cases other than that they were shipped as merchandise and consigned in the name of a party who was not the real owner, to excite suspicion?—A. That is always an evidence of irregularity somewhere.

Q. State whether you had any other knowledge or if you had any other means of information that would indicate a fraud, other than that they were shipped as merchandise and con-

signed to a party who was not the real owner?—A. That is all the information I had on the subject.

Q. Did you ever discover who Horace Greeley was?—A. I never did, unless it was Mr. Masich. I found the cases in his place of business and I assumed he was really the owner of the cigars, although he had not entered them or paid the duty.

Q. About how long was this before you made the seizure of the seven cases?—A. This shipment occurred, it may have been one month or it may have been six weeks, I do not recollect which, prior to the seizure of the seven cases.

Q. About how long from the time that these cases passed through the custom-house at Key West, corded and sealed, was it till you saw the boxes being destroyed in the store of Masich & Co.? About what space of time?—A. It may have been six weeks; I cannot say exactly; it depends altogether on the date of my arrival here and of my going to Mr. Masich's place of business.

Q. Did you learn in any way at any other time of any other importations to this port which were looked upon as suspicious?—A. I did not.

Q. Had you been informed or advised of a contemplated re-importation of cigars that had been previously exported, into this port?—A. I had not. I will state that I received several anonymous communications while here from parties who desired to give information, but the information amounted to nothing; it was simply for the purpose of levying black-mail and getting people into trouble. I have a letter now from one party, whose name figures before this committee, of that sort. I have some memoranda which will refresh my memory in regard to these matters. I am very sorry that the committee have not got my report. It places me in a false position to undertake to give testimony in regard to an investigation of a matter that took place years ago, which I have covered by an official report to the Department.

By Mr. NEW :

Q. Would you prefer to have a copy of your report appended to your testimony given here to-day?—A. That is a matter for the committee to determine; my object in coming here was simply to get at the ownership of the cigars so as to have the penalty enforced. I succeeded in confiscating the cigars finally.

By Mr. REILLY :

Q. In any of the investigations that you have made here did you learn of any other shipment of cigars as merchandise other than these two?—A. Not to my recollection.

Q. You think your comments in your report had something to do with the removal of a gentleman who was then appraiser at this port?—A. I thought so at that time. I do not know. I consulted with Colonel Casey, the collector of the port, with Mr. Kinsella, and with other officers, and they endeavored to give me every assistance in their power, detailing officers to accompany me about the city, and aiding me in every way possible. Mr. Kinsella assisted me in every way possible, but he finally became lukewarm and said that it was a waste of time; that I could not find what the eleven cases contained. As a Treasury agent, standing at the head of the service, he is very particular not to go into details unless he can give them to the Department. Agents, as a general thing, are backward in pursuing an investigation when they believe there is no possibility of their making out a case. The Department does not like to receive reports without any weight to them and without any bottom to them. It is simply an additional expense to the Government.

By Mr. DARRALL :

Q. Do you say that Mr. Kinsella is at the head of the service?—A. I say that Mr. Kinsella is considered to be one of the best-posted agents in the United States; he is thoroughly familiar with customs laws and regulations, and he has a peculiar faculty in pursuing investigations, in working up frauds and fraudulent transactions. He rendered me all the assistance he could till he found we could get no positive facts on which to base the case in court. After that he allowed me to fight it out alone, and I succeeded in winning the first case. That first case was entirely under my own control.

By Mr. REILLY :

Q. In the matter of the eleven cases, you abandoned the effort?—A. I knew nothing about it positively, neither did Mr. Kinsella. We knew those eleven cases contained cigars consigned as merchandise and were properly entered at the custom-house in accordance with the appraiser's reports. It was impossible for me or any one else outside of the appraiser to say that the appraiser's report was correct or not. I assume it to be correct, but the fact that it was consigned as merchandise caused suspicion in the first instance.

Q. Do you know whether Mr. Ong is now, or was until recently, the appraiser of this port?—A. I do not.

Q. If he was removed, you never heard that he was re-instated?—A. I do not know on what ground Mr. Ong was removed. I was unable to procure any evidence against him.

By the CHAIRMAN :

Q. You spoke of Mr. Kinsella being one of the best officers in the country; upon what experience or association between you and him is that based?—A. It is based on his own experience of some fifteen years.

Q. Have you ever served with Mr. Kinsella?—A. I never have served with Mr. Kinsella outside of this particular case.

Q. Have you ever served under Mr. Kinsella?—A. I never have.

Q. Has he ever been under your orders?—A. He never has. I say he is one of the best officers. It is generally known who stand at the head of the service. Such things are discussed just the same as generals in the field are. There are certain generals who are regarded at the head of the service. I say Mr. Kinsella has the reputation of being one of the best agents in the service.

By Mr. CONGER:

Q. The eleven boxes that you spoke of were manifested as containing cigars, cigarette-paper, and other merchandise?—A. That is as I recollect it now. I cannot say positively as to that.

Q. If they did contain these miscellaneous things, including these various kinds of merchandise, what suspicious circumstance was there in their being marked merchandise?—A. There was no suspicious circumstance in its being manifested merchandise if it did contain merchandise—that is, a shipment of goods.

Q. The invoice says it did contain these various articles, and the cases were entered and appraised and duties paid on them as containing these articles?—A. Yes, sir.

Q. Under these circumstances, was there any suspicious circumstance in the box being marked merchandise?—A. The box was not marked merchandise. They were manifested as so many cases of merchandise.

Q. Was there any suspicious circumstance in the boxes containing these different kinds of merchandise being manifested as merchandise?—A. No, sir.

Q. Is there any suspicious circumstance in the fact that weeks after these boxes had been emptied they were broken up?—A. That was a trifle suspicious, in my opinion.

Q. How long ought merchandise-boxes to be kept by an importer before he breaks them up in order for him to avoid suspicion of having perpetrated a fraud?—A. I cannot say.

Q. Give us your best judgment about that.—A. This was a special case. There were other cases that remained unbroken in the same room.

Q. How long ought the importer to keep his boxes unbroken in order to avoid suspicion?—A. That is optional with the importer. The cases belong to him, and he has a right to break them up or do anything with them that he thinks proper.

Q. Why did you think it was suspicious that these cases were broken up long after they had been entered and imported?—A. For the reason that those cases would measure about 45 cubic feet each, and if those cases did contain cigars, as I supposed when I left Key West, in accordance with a report of the inspector, there would have been 262,000 cigars in those eleven cases, by actual measurement.

Q. You found that the invoice and the appraisal here, and the duty paid, was for cigars and miscellaneous articles?—A. I found no invoice except the appraisement on an uncertified invoice. These cigars and the paper and the merchandise generally, contained in those cases, were entered.

Q. You found that appraisal to consist of miscellaneous articles, and therefore your suspicion about the number of cigars imported was removed, if that appraisal was true, wasn't it?—A. I may have a copy among my papers. I won't undertake to say the quantity of cigars or paper or other merchandise. I cannot state it from memory.

Q. When you suspected that these contained cigars only, but were entered as merchandise, you thought that was a suspicious circumstance?—A. The entering them as merchandise has nothing to do with it. They were described as so many cases on the ship's invoice.

Q. Have you not told the committee that the suspicious circumstance about them was that they were shipped as merchandise?—A. It was suspicious when they shipped cigars as merchandise.

Q. And you assume that these were cigars only?—A. I assume they were from the fact that I held that they were, and got a judgment against them in Key West.

Q. I am speaking of the eleven cases.—A. Well, the eleven cases were shipped as merchandise too.

Q. When you came to inquire, you found that they were merchandise?—A. I found that they contained a few cigars, some cigarette-paper, and some other articles, according to the report of the appraiser.

Q. Do you know that the consular invoice was received?—A. It accorded with the appraiser's report, according exactly with the contents of those boxes as stated in the invoice and in the appraiser's report. I presume that the consular invoice must have been received, or the bond would have been placed in suit long before this.

Q. Have you made sufficient inquiry to know that all the proceedings which were proper for the regular entry of these goods were made, and all the proof made that the goods accorded with the consular invoice—did you find that out in your investigation?—A. I did.

Q. What other circumstances other than their being marked as merchandise now leads you to suppose that there was anything wrong about that invoice of goods?—A. As I remarked, I satisfied myself after making an examination so far. I did not follow the eleven

cases through. They came in before the shipment of the seven cases, and before my arrival here. I recollect that eleven cases had been shipped six weeks before that time as merchandise, and I thought I would trace up those eleven cases to see what they really did contain. The inspectors said they contained cigars, as did the seven cases I had seized a few days prior to my arrival at New Orleans. Those seven cases I held at Key West did contain cigars. The inference was that the eleven cases that had been shipped a few weeks before might contain cigars. Hence my object in coming here to get information was twofold: first, to trace up information in regard to the seven cases I held under seizure; and, secondly, to ascertain in regard to the eleven cases, whether they were cigars or not, and, if so, what quantity of cigars they were. As I told you before, these eleven cases were entered by appraisement, and were stated to contain a few cigars, some cigarette-paper, and other merchandise, according to my recollection of the invoice.

Q. And you really found nothing in your further examination that made you suspect that this was other than a true appraisal?—A. I saw nothing. I had no evidence to the contrary.

Q. Had the inspector at Key West opened these eleven cases?—A. No, sir.

Q. It was a mere suspicion on his part that the eleven cases contained cigars?—A. The inspector described it to me as cigars. His reason was, that he looked through the cracks of the cases, probed them with his knife, and could smell the cedar-wood of which the boxes were made. He could swear that they were cigars.

Q. They did, in fact, contain some cigars?—A. Yes, sir; they were entered as containing so many cigars.

Q. What was the date of the seizure of the seven cases that you did seize?—A. I forget the date; they were simply detained in the first instance. I forget when I did report the seizure.

Q. When were they detained, as near as you remember?—A. In August.

Q. Of what year?—A. I think it was 1872 or 1873; I will not be sure which.

Q. In the trial of that case the defendants did bring, as you say, a consular invoice to show that they had shipped cases containing this number of cigars, viz, 25,000, but that evidence was rejected by the court?—A. They undertook to bring in evidence to show that there were two lots of cigars.

Q. Did not you state that the defendants presented a consular invoice for a shipment of 25,000 cigars, which was rejected by the court?—A. No, sir; I brought in the invoice for 25,000 cigars. They had very little to do with that invoice. I used the invoice describing 25,000 cigars as a part of my evidence.

Q. Where did you get it?—A. I got it in Havana.

Q. The shipment of 25,000?—A. Yes, sir.

Q. What did you say with regard to these parties attempting to prove that there were two shipments?—A. They claimed an error had been made by the drayman and the shipping-clerk; that they had purchased two lots of cigars, one lot of 49,000 and one lot of 25,000, under instructions to ship the 25,000 via Key West, and the 49,000 direct from Havana to New Orleans, but that the drayman or shipping-clerk got the 49,000 shipment on the steamer Margaret instead of on the C. W. Lord. I think the 25,000 came direct from Havana here.

Q. Do you say that they offered to put in both these invoices?—A. I think that their attorneys had an invoice covering 49,000 cigars.

Q. That was as they claimed?—A. As they claimed which should have been shipped by another route, but which unfortunately in fact were shipped via Key West.

Q. They claimed that these forty-nine thousand cigars should have been shipped direct to New Orleans instead of by way of Key West?—A. Yes, sir.

Q. And that they were shipped on the Margaret instead of the twenty-five thousand?—A. Yes, sir.

Q. They attempted to prove that both shipments were made, but that the direction of the two shipments was changed?—A. I think the consular invoice describing forty-nine thousand cigars was dated some three weeks after the shipment, and was very bad evidence to introduce to a court.

Q. The parties claimed that, however?—A. Their claim in court was that it was an error in shipment.

By Mr. NEW:

Q. Do you remember whether, before the conclusion of the trial, the defendants were able to show or undertook to show what had become of the twenty-five thousand cigars and the forty-nine thousand also, that is, the total of seventy-four thousand cigars?—A. I think they undertook to show that the shipment of the twenty-five thousand had been made direct to New Orleans, and that those were the cigars described in the invoice that I then held.

Q. Did they ever show or attempt to show what had become of the forty-nine thousand?—A. It is an easy matter to see what became of the forty-nine thousand. I seized those.

By Mr. CONGER:

Q. They claimed, then, to have shipped twenty-five thousand cigars corresponding with the invoice which should have gone direct to New Orleans?—A. Yes, sir.

Q. But by a mistake the boxes were interchanged, and each went the wrong way?—A. Yes, sir.

Q. Did they claim that the twenty-five thousand were received at New Orleans?—A. I do not know whether they did or not.

Q. Did they not introduce proof to show that the twenty-five thousand shipment came by the direct route to New Orleans and were received and entered here?—A. I do not recollect now; that was a matter for the court to decide.

Q. Did they not prove or attempt to prove, and in fact introduce evidence to prove, that twenty-five thousand cigars were received here shipped direct from Havana and corresponding to the twenty-five thousand cigars invoiced?—A. To the best of my recollection, they did endeavor to prove that twenty-five thousand had been received, and that they were the lot covered by the invoice seized at Key West.

Q. Did they not prove by the custom-house that such an entry was made?—A. Some time afterward, I think, such an entry was made.

Q. On that trial, was not there proof that there had been such an entry made?—A. Several weeks afterward they made such a shipment.

Q. Do you recollect how long afterward the shipment was made?—A. I have the invoice. I know it was several weeks after the seizure.

Q. Have you it here?—A. I have not it here.

Q. If the consignors of these forty-nine thousand cigars did send an invoice pretending to be a proper invoice of them at twenty-five thousand cigars, and did intend to have them entered here as twenty-five thousand cigars, when there were in fact forty-nine thousand cigars, you say it was so bold a measure that they could not have thought that it could be successful unless the appraisers were in collusion with them?—A. That is very true.

Q. Therefore you suspected, from the boldness of the effort, that the appraiser was in collusion with them; is that the substance of your statement?—A. No, sir; not in that case. I came here for the purpose of proving the ownership of the cigars. I held the cigars. I did not care anything about the appraiser at that time.

Q. But still you say that the very boldness of the attempt, under these circumstances, would indicate that there must have been collusion with the appraiser in the minds of those who undertook it?—A. I did state that the fact of shipping forty-nine thousand cigars, covered by an invoice describing twenty-five thousand, was a very bold proceeding and showed a great deal of confidence on the part of those who were consignees of the cigars here.

Q. Do you mean a great deal of confidence in the appraiser?—A. I mean a great deal of confidence somewhere.

Q. Did you not say in the appraiser?—A. Well, I repeat it—in the appraiser of cigars.

Q. And because these men showed such boldness you suspected the appraiser of collusion?—A. I did suspect the appraiser of collusion after I arrived here.

Q. I ask whether, because of that boldness in the mode of shipping, and from those circumstances themselves, you suspected the appraiser of collusion with them.—A. From that fact, and the fact that they were consigned to an irresponsible person at the same time that they were owned by a responsible firm in the city, I did think there were some suspicious circumstances.

Q. Did you so report to the authorities that you suspected the appraiser of collusion?—A. I could not say what my report was to the authorities. I may have reported that fact.

Q. Cannot you remember how you did treat that suspicion you had of the infidelity of the appraiser in your report?—A. I may have made in my report remarks similar to those that I have made here before the committee, that it was a very bold proceeding.

Q. And, being a bold proceeding, it implicated the appraiser?—A. Not necessarily so.

Q. You think you gave that idea in your report?—A. I cannot say, I am sure, whether I did or not. I was simply endeavoring to protect the interests of the Government.

Q. Why should you suppose Mr. Ong was removed on account of these circumstances unless you had given some such suspicion in regard to him in your report?—A. I say I do not know that he was so removed. I heard afterward that he was removed, but I did not state that he had been removed in consequence of my report.

Q. When did you understand first he was removed?—A. I cannot say when I did hear it first.

Q. About how long ago?—A. I cannot state that. I paid no further attention to the report or the result of it. I may have learned of his removal after my arrival in the city this time.

Q. Was it shortly after the occurrence that he was removed?—A. I think it was some time after the occurrence.

Q. Give the committee some idea of the length of time.—A. I have not been away from my post except twice in three years. This is the first time since that time when I came to New Orleans. I heard yesterday that Mr. Ong was not appraiser. I paid no attention to it.

Q. Do you mean to say that the first time you heard of Mr. Ong's removal was since you have now come to the city?—A. I think the first time I knew positively that he was removed was on yesterday.

Q. Do you know when he was removed?—A. I do not.

Q. Or for what cause he was removed?—A. I do not.

Q. Why did you couple the idea of his removal with your report on the subject?—A. I probably ought not to have said that. It came out unwittingly. I may have imagined to myself that my report had something to do with it about the time my report was made, but I knew nothing about it.

Q. Do you want the committee to understand that on a mere imagination of yours you said that an officer had been removed in consequence of your report four or five years ago?—A. I do not wish the committee to understand that he was removed in consequence of any report I made. My report simply gave facts.

Q. Do you want the committee to understand that Mr. Ong was removed for any irregularity of conduct?—A. No, sir; I do not wish the committee to understand any such thing.

Q. Why did you couple Mr. Ong's removal with your own particular statement of your report under the circumstances?—A. I say I have been hasty in making that remark; that when I heard he was removed, I could not help but think that my report had mentioned his name, and though it may not have reflected upon Mr. Ong directly, yet it may have indirectly, in regard to my investigation of this shipment of cigars here.

Q. Do you remember whether he was the appraiser who examined these boxes?—A. He was the appraiser at the time I made these investigations. I do not know that he was the appraiser of these special boxes.

Q. Is there more than one appraiser here?—A. I understood he was the appraiser.

Q. Did you talk with him then?—A. No, sir.

Q. Why didn't you, so as to ascertain how far his examination went?—A. Mr. Ong was a stranger to me at that time.

Q. Don't you talk with agents of the Government or with anybody but intimate acquaintances?—A. I have my own course in working out an investigation. I cannot say why I did certain things. I had an object in it. I had an object in not going near Mr. Ong at the time.

Q. If you had any suspicions about this appraisal, with every means of examination, would not a strict examination of Mr. Ong himself have been one of the means of finding out the truth, in your judgment, and would it not have been the proper means to ascertain whether the appraisal was sufficiently made?—A. I could not question the appraisal of these eleven cases, because I did not know the contents of them.

Q. One means of knowing their contents would have been to inquire of Mr. Ong whether he made a personal examination of them, would not it?—A. That would have been one means. Some persons might have gone directly to Mr. Ong and questioned him as to whether he made a correct appraisal or not. I have no doubt he would have said yes.

Q. Could not you have questioned him who helped him make the appraisal?—A. There is a gentleman, Mr. Davis, the cigar-inspector, who knows as much about it as Mr. Ong.

Q. Could not you have gone to everybody who opened the cigars and asked them about the contents of the boxes, if you had any doubt as to the correctness of the appraisal?—A. I did question some persons who had something to do with the cigars. I questioned the drayman who brought them from the appraiser to the store.

Q. But why did not you question Mr. Ong?—A. I cannot say what my object was in not questioning him. His acts were already committed. He could not change them or correct them.

Q. You could find out by cross-examination of him what he did know about it or what he pretended to know about it.—A. Yes, I could have done so.

Q. If he had not told the truth from his statement, you could have questioned others to see whether he did so or not, couldn't you?—A. I had an object in view in not questioning Mr. Ong.

Q. Did you have any object in view in creating suspicions against him in the Department?—A. No, sir; I had no object in view.

Q. Why did you make such a report as created suspicion?—A. Because I had seen Mr. Ong's report of the appraisal. That is a matter of record, and he could not change it, for it had gone beyond his jurisdiction. I had that in my possession, and Mr. Ong could give me no information on the subject.

Q. You had also the consular invoice from Havana?—A. I did not, because no invoice was made at that time.

Q. They could not have been entered without that consular invoice, could they?—A. Yes, sir; they could be entered by appraisement, and bond given to produce the consular invoice.

Q. But they could not have been taken out of the warehouse without that consular invoice?—A. Most assuredly they could. They were entered by an appraisement, bond being given to produce the consular invoice, and the invoice was afterward produced to cover the appraisal.

Q. The invoice was produced and the bond released?—A. Yes, sir.

Q. The bond could not have been released without the consular invoice?—A. No, sir.

Q. The consular invoice must correspond with the appraisal?—A. It must correspond with the appraisal or with the uncertified invoice on which the cigars were entered.

Q. You stated to this committee that while Mr. Kinsella had the reputation of being one of the oldest and most vigilant and successful special agents of the Department, that in your particular case he grew lukewarm?—A. I imagined he grew lukewarm after assisting me for several days; I thought so. I thought that he had lost all interest in the case. He could not find that I had anything to work on with those eleven cases, and he had work of more importance to do.

Q. You made this remark about his ability before you knew he was present, didn't you?—A. I did.

Q. Did you mean by saying he grew lukewarm to reflect at all upon his vigilance?—A. I did not. I endeavored to give him credit for believing that I had no case whatever in regard to the eleven cases whose contents I was in search of.

Q. Why did you use that suspicious term lukewarm, as though he were cooling in the discharge of his duty?—A. I felt like this—that Mr. Kinsella, with the reputation he had achieved as a special agent, was anxious at first to know whether I had a case or not, and he found in working up about the eleven cases that there was no positive evidence there, and hence he did not care to assist in working up a case which had no foundation. He allowed me to find it out alone.

Q. That would not be lukewarmness, would it?—A. I do not know that it would be lukewarmness.

Q. Did you mean to use the word lukewarm in the offensive sense in which it is generally used, as meaning that a man is cool in his duty and is neglecting his duty?—A. I will say that Mr. Kinsella gave me every assistance that I required from him.

(Question repeated.)—A. No, I did not so intend it. I simply meant to convey that he failed to discover anything in the case, and paid little or no attention to it after that time, but he answered such questions as I asked him, and gave me such assistance as I desired.

Q. Did Mr. Kinsella say that, if you could find a thread of evidence that would lead to the condemnation of this property, he would join you in the discovery?—A. I think he did, several times.

Q. Were you able to give him any information that either he or you thought could lead to any discovery of wrong?—A. I gave him all the information I had upon my arrival here, and showed him all the papers.

Q. Is not Mr. Kinsella one of the oldest special agents in the service of the Government?—A. I think he is.

Q. His duties have extended from one quarter of the country to another all over the United States, North and South, East and West, have they not?—A. Yes, sir.

Q. Have you ever heard anywhere that he had the reputation of being remiss in duty?—A. No, sir.

Q. Or that he was lukewarm in his official service?—A. No, sir; not where he had a duty to perform. You seem to hold on to that word "lukewarm;" I will say that Mr. Kinsella, in his own opinion, saw nothing in the case that I was endeavoring to work up; at least, he so expressed himself to me. He said that I had not got one scintilla of evidence against these parties. Mr. Kinsella, like all agents, is jealous of his reputation. I came from a district far remote from this, into his district, for the purpose of working up a case. Mr. Kinsella, as is usual among agents, endeavored to assist me, and did assist me up to the time that he saw there was nothing in it. I still continued, however, to investigate it.

Q. And you found nothing in it that you thought sufficient to commence action on?—A. There was nothing to commence action on. I followed the eleven cases through from the steamer to the warehouse, however.

Q. And you found nothing upon which you could base sufficient ground for action in the matter yourself?—A. I did not.

Q. So that at the time that Kinsella gave it up, you went on still making inquiries, and when you gave it up you had found nothing on which you could base action?—A. I found nothing on which I could base action further than to report my investigation to the Department.

By Mr. NEW :

Q. State whether you exercised, in what you did with reference to the appraiser, your own best judgment as to whether you should make him a witness in a matter that possibly might involve himself.—A. That is just what I did do—exercised my own judgment in regard to the matter.

Q. Did you conclude, after looking over the ground, that if by any possibility he was involved, you had better make inquiry elsewhere and find witnesses other than himself to establish that fact?—A. That was partially my object.

Q. You thought, under the circumstances, it was the best policy not to make a witness of him either in chief or upon cross-examination, did you?—A. I did not make a witness of him. The truth is, I had got all the information I possibly could receive without calling on Mr. Ong, the appraiser, at all.

Q. Do we understand that you had concluded that you could not obtain any additional information from him if you should inquire of him, and therefore you did not approach him on the subject?—A. That was one object I had. I did not think I could gain any information I did not already possess by calling on Mr. Ong.

Q. State whether, if in any given instance of the kind, without its being alleged, or your in fact believing from any evidence in your possession that a given officer was guilty of any fraud, you yet saw that there was a possibility that he might be, you would go to him for evidence as to whether he was guilty or innocent, or whether you would look to others?—A. I should look to others.

Q. Did that consideration in this instance have anything to do with the fact that you did not examine him either in chief or upon cross-examination?—A. That was it in part. I did not care to see Mr. Ong at all. I did not care to consult with him in regard to his case.

By the CHAIRMAN:

Q. You said that these seven cases that you saw in Mr. Masich's place of business were being broken up when you arrived there; had you no reason to believe that an intimation had reached him of your purpose to visit his establishment, and that these boxes were being destroyed to get them out of your way?—A. I did labor under that impression, but without having positive information of the fact that that information had preceded me, or that he had knowledge that I would come.

Q. How could that have been?—A. That I cannot say.

Q. Might not this gentleman who made the entry of these cigars, Mr. Tiemann, while you were in his establishment have sent word to Mr. Masich that you were in the city?—A. He may have done so.

Q. Did he know who you were or what you were?—A. Not to my knowledge.

Q. Was there anything in his conduct that led you to believe that he suspected or knew who you were?—A. No; not unless he judged it from the fact that I was accompanied by an inspector of customs whom he knew. It has been some years since I was stationed in New Orleans, and I had lost the run of the streets, and I had an escort accompany me to the different places.

Q. Was there anything in his manner or conversation while you were in his store that induced you to believe that he knew or suspected you were an officer?—A. Well, not at that time. I think when I arrived at the store he was anxious to sell me cigars in such quantities as I wanted to purchase.

Q. How many thousand cigars would these eleven cases have contained?—A. They would have contained, I think, according to measurement, 262,000 cigars.

Q. Do you know how many cigars they were invoiced at?—A. I do not recollect. It is shown by the report of the appraiser that the cases were not full of cigars, but contained other articles of merchandise.

Q. Is there anything in the fact that other articles of merchandise were mixed or purported to be mixed with the cigars in these cases as per invoice, that of itself would create suspicion in your mind?—A. No, sir.

Q. Is it usual for other merchandise to be shipped with cigars?—A. No, sir; it is not usual to ship other merchandise in the same case, as cigars are usually shipped, separate and distinct, each case by itself.

Q. In reply to a question of Mr. Conger as to the defense, and of their theory of these seven boxes of cigars that were seized at Key West, I understood you to say that they attempted to show on the trial that by an accident these 49,000 cigars were put on the ship Margaret when only 25,000 cigars should have been put on her; what was the fact as to the proof; what was the date of that invoice by which they attempted to show it?—A. That invoice was dated some weeks later; I forget the date now. It was not admitted in court.

Q. Have you any knowledge whatever of the fact that about the time this shipment of 49,000 cigars was seized, there was a shipment from these same parties in Havana to these same parties here, of 25,000 cigars?—A. I have no knowledge of the fact of that shipment.

Q. When you came to New Orleans to get information with regard to these seven cases of cigars, had not the facts already developed in the case thrown suspicion on the whole transaction in your mind?—A. I cannot say but that they had; the irregularity of the shipment caused my suspicion of course; then there was the manner in which the cigars were manifested; and after ascertaining the fact that they were owned by a responsible firm, but consigned to an irresponsible party, I regarded that as additional evidence of some irregularity.

Q. Would you have ventured to seize these cigars, unless there had been a well-grounded suspicion in your mind?—A. I think not, because it was a very bold proceeding on my part to take 49,000 cigars out of a steamer when they were intended for another port.

Q. Why did you do that?—A. I thought I had a good case.

Q. In other words, the facts developed up to that point in the transaction led you to believe that there was an irregularity in the whole thing?—A. My suspicions were aroused, and they were afterwards verified.

Q. Were not those facts of a character that necessarily involved the appraiser of cigars at this port?—A. Not at that time. If I had found an invoice covering 49,000 cigars in Havana, I should immediately have reshipped those cigars, with my apology to the consignee, as well as to the Department, for having detained them; but I found that the invoice called for 25,000.

Q. When did you get a knowledge of that invoice first?—A. I think it was about twenty-four hours. It is only ninety miles' distance from Havana.

Q. You learned that before coming to the port at New Orleans?—A. Before coming here I had that fraudulent invoice.

Q. When you received that fraudulent invoice, your grounds of suspicion or of belief were enlarged, were they not?—A. Yes, sir.

Q. Did not, then, the facts developed with reference to this transaction, and the fraudulent invoice, create in your mind a suspicion that reached to the officers of the port here who were to have received and appraised the cigars?—A. No, not at that time. I was simply in search of the owner of the cigars. I did not believe that the party to whom they were consigned owned the cigars.

Q. When you got that fact, which was another in the chain of evidence which you were getting as to the ownership of the cigars, did not this further fact, that the true owner did not appear in the transaction at all, but simply an irresponsible owner, create in your mind the conviction that, in order to gain your point, which would make good the seizure of the cigars, it would be better for you to avoid than to consult with the appraiser of cigars at this port?—A. The appraiser had nothing to do with this case. He knew nothing about it; the case never came to him.

Q. Of course it did not come to him, from the fact that you had seized these cigars.—A. Yes, sir.

Q. But was not the whole case coming to him?—A. Yes, sir.

Q. You ascertained, then, in the development of this case, that this cargo of cigars resting upon a false invoice, manifested in a false manner, contained in boxes that were unusual, were to pass, if they had not been seized by you in Key West, through the hands of the appraiser of this port?—A. They would undoubtedly have reached the hands eventually of the appraiser of this port.

Q. And the effect of these circumstances, which led ultimately to the condemnation of these cigars, had weight in your mind against inviting information from that officer when you came to New Orleans, and in not giving him your confidence or consulting with him?—A. It may have had some weight. In fact, he could give me no opinion in regard to the case. He had nothing to do with it at all. I was in search of other parties—the owners of the cigars. I wanted to prove ownership, and that a partial entry had been made.

Q. To what extent did you work up this case of Masich's?—A. I did not carry that case any further than I have already explained to the committee. I discovered that the cases that had been sealed at Key West had, some of them, been broken up; others were partially destroyed. I requested that he would discontinue the further destruction of the cases for the present, and he promised to do so. I called a day or two later, and found that they were all broken up.

By Mr. CONGER:

Q. What was the name of the inspector that accompanied you as a guide?—A. Hutchinson.

Q. What was his given name?—A. I cannot say.

Q. Was it E. G. Hutchinson?—A. I do not recollect the initials.

Q. What was he, then?—A. He was a searcher of vessels arriving at New Orleans, and an inspector of customs.

Q. Did he go with you to Masich's?—A. He did.

Q. Did he go up in the loft with you?—A. I think he did.

Q. He saw the boxes?—A. Yes, sir.

Q. Did he hear all your conversation at the two places you have mentioned?—A. I think he did.

Q. And your conversation with Masich?—A. Yes; at least he accompanied me on several occasions. I think he was with me at Masich's place.

Q. Do you know whether he is still in the department?—A. I do not.

Q. What was the name of the steamer that the eleven boxes came on?—A. I think that was the steamer Margaret.

Q. That was the same steamer that the seven cases came by?—A. Yes, sir; that is my impression now. I know the seven cases came by the Margaret. I won't be sure about the eleven cases, but it is my impression that they were also on the Margaret.

Q. On a former trip, of course?—A. On a former trip.

By Mr. DARRALL:

Q. In order to pass a consignment of cigars like this you have mentioned, less either in weight or number of thousands than they really are, there must be collusion on the part of the consignee and some officers of the custom-house?—A. There would have to be in order to pass them.

Q. What officers of the custom-house would necessarily have to be in collusion with the consignee in order to pass them?—A. The appraiser.

Q. Any other officers?—A. The inspector of cigars.

Q. Any others?—A. No, sir; not necessarily.

Q. There need necessarily, then, only be collusion on the part of inspectors of cigars and the appraiser, in order to pass this consignment of forty-nine thousand cigars for twenty-five thousand?—A. There would have to be collusion with those charged with that duty.

Q. You are somewhat acquainted, are you not, with the custom-house?—A. Yes, sir. It would have to be the appraiser of cigars, whoever that was; and the inspector of cigars who attached the stamps and weighed them.

Q. Would there have to be collusion on the part of any other officers of the custom-house except those you have mentioned?—A. I do not think that there would.

Q. Who was the inspector of cigars at that time?—A. I think his name was Davis, if I recollect right.

Q. You say you think your report to the Department reflected on Mr. Ong, the appraiser at that time?—A. I cannot say. If the facts reported by me reflect on the appraiser, the report will show for itself.

Q. But I want to get at your recollection about it.—A. It was not my intention to report upon any official, but simply to report facts as I found them; and if, by reporting facts, my report would reflect upon any one, the report is made, and I cannot change it. I won't undertake now to give positive evidence, or state what happened four years ago when it is a matter of record.

Q. Did your report, in your opinion, reflect in any manner upon the appraiser of this port?—A. It may have reflected upon the appraiser.

Q. Did the facts that came into your possession in the investigation of this case reflect upon any other officers of the custom-house?—A. I do not know that it did, but I would not undertake to say now.

Q. Can you undertake to say whether your report reflected directly or indirectly on any other officer except the appraiser?—A. I might have mentioned the names of quite a number of officers in connection with the investigation without endeavoring to cast reflection upon those officers.

Q. Does your report, or the facts that you obtained, reflect upon any other officers?—A. Not that I recollect of.

Q. Have you any information to give this committee in regard to wrong-doing or corruption on the part of any other Federal officers?—A. I have not.

Q. Have you heard, or do you know, that there was any effort or endeavor made to suppress your report in the Department?—A. I was not aware of it until I saw it published in yesterday's papers.

Q. Are you aware of it now?—A. No, sir.

Q. And you never heard of it until yesterday?—A. I never heard of it until yesterday.

Q. But you are of opinion still that one of the officers was removed because of your report?—A. I qualified that remark of mine. It came out unwittingly. There may have been some implication in my report against the appraiser, and then, having heard of his removal, it did strike me that my report had something to do with it.

Q. In coming here to make your investigation, was every facility to make this investigation given you on the part of the officers?—A. Yes, sir.

Q. You say you called on the deputy collector, and on Mr. Kinsella; have you any complaints to make against them?—A. I have no complaints to make against the officers here whatever. I think they rendered me all the assistance they possibly could, and all that I asked.

NEW ORLEANS, June 7, 1876.

THOMAS J. KINSELLA sworn and examined.

By the CHAIRMAN:

Question. State whether you hold any official position; and, if so, what it is.—Answer. I am special agent of the United States Treasury Department located here.

Q. How long have you acted in that capacity?—A. I was appointed in October, 1866.

Q. Had you been connected with the customs-service prior to that?—A. I had been a great many years in the Chicago custom-house.

Q. Are you familiar with the custom-houses of this country, aside from Chicago and this city?—A. I have visited a great many of them from time to time.

Q. State briefly the *modus operandi* of making entries of imported goods, and the duties of the various officers in connection with them, taking, for instance, cigars.—A. The importer presents his entry, in duplicate, together with his invoice, to the entry-clerk in the custom-house, in the collector's office. The entry-clerk makes an estimate of the duties. The entry is then taken to the naval office.

Q. The clerk makes his estimate of the duties based upon the invoice?—A. Based upon the invoice.

By Mr. DARRALL:

Q. Where are the goods in the mean time?—A. On shipboard.

Q. In charge of the inspectors?—A. Sometimes they are on board ship and sometimes

they are not. First of all, the vessel is entered by the master. The importer takes his invoices in triplicate before the United States consul in Havana, and he makes oath to them. The invoices are verified by the consul. One copy is mailed to the owner at the port of destination, another is filed in the consul's office, and another is given to the shipper, who sends it by mail to the consignee here. Now, then, the ship arrives in port. No permit can be given to land anything until the vessel is entered. The entry of the vessel consists in the master's presenting a manifest which describes all the cargo, all his sea-stores, and his passengers, if he has any. To that manifest he makes oath. Then the goods are ready to be landed, provided the importers have made their entry. If the importers have not their entries ready in time, the master of the vessel is entitled to what is called a general-order permit, which will send them to the warehouse designated as a general-order warehouse. The importers frequently, when they hear of a vessel being at the bar, rush into the custom-house to have their entries prepared and fixed up all ready, so that they will be able to get their permits so soon as the vessel arrives. In order to prevent their goods going to general order, and in order to save that expense, they frequently have the entries all fixed up with nothing to do to them but to swear to them when the ship enters; and they are then sent, if they are warehouse goods, to the warehouse designated by the importer, a portion of them being sent to the appraiser's store for examination. If the goods are duty-paid, a portion is delivered to the importer, he executing what is called a penal bond; and a portion is sent to the appraiser's store. In the case of cigars, when they are entered they all have to go to the cigar-inspector's room. The penal bond is taken for this reason. In the first place, when the entry is made it is merely made on an estimate of the duties. The party goes to the cashier and pays those estimated duties, but when the whole of the goods comes to be liquidated, the duties may turn out to be either more or less, or the goods may turn out to be of a different quality from that specified in the invoice. This penal bond binds the importer, if called upon by the collector after liquidation, to return those goods, and if he does not return them he has to pay the ascertained excess. That is the object of the penal bond. It secures the Government and the collector in the case of impost entries—these duty-paid entries—in case there is any excess of duties to be collected. Now, then, with regard to the cigars. In all cases, cigars, when entered, must go to the cigar-inspector's room. They are there weighed and also appraised. They pay \$2.50 a pound and 25 per cent. *ad valorem*. After they are entered and appraised, the cigar-inspector takes them out of the boxes, counts them, and he makes a requisition on the cashier for customs-stamps. In that requisition he specifies the name of the vessel, the name of the importer, and the number of cigars, and the number of each kind—that is, the number of boxes of each kind, whether twenty-fives, fifties, or hundreds; because there are stamps for twenty-fives, fifties, hundreds, &c. That requisition, signed by the cigar-inspector, has got to go to the appraiser for his approval, because he has appraised the cigars and knows how many there are there. It has then to be taken to the deputy collector for his signature, and the stamps can then be procured.

By Mr. CONGER :

Q. Does the appraiser sign this?—A. The appraiser signs this requisition and marks it "Approved." The deputy collector, when he signs it, has an opportunity to compare that requisition with the entry made by that importer, to see if that requisition calls for the proper amount of stamps as per invoice entry. The cashier then delivers the stamps to the cigar-inspector, and he has all the boxes taken out of their cases and piled up. He has two or three men to assist him to put on the stamps. He has to keep a record of every single case stamped, the number of each kind of boxes, and what is the capacity of them, the name of the vessel, and the name of the importer.

By Mr. REILLY :

Q. Are these stamps internal-revenue stamps?—A. No, sir; they are customs-stamps. These customs-stamps cost no money; nothing is paid for them; the Government furnishes them.

By Mr. NEW :

Q. What purpose do they serve?—A. They show the name of the vessel, and the date of the importation is put on the customs-stamp and the name of the cigar inspector. The stamp shows that they are imported cigars.

By Mr. CONGER :

Q. Is that put on each box of seventy-five?—A. On each box of twenty-five, or of fifty, or of a hundred.

Q. Just according to what they happen to be?—A. Just as they happen to be; there is a stamp for each denomination.

Q. Does the stamp tell for what denomination it is?—A. It does. There are different stamps. The stamp for a box of one hundred is marked 100, the stamp for a box of fifty is marked 50, and the stamp for a box of twenty-five is marked 25.

By Mr. NEW :

Q. Does the customs-stamp show that the duty has been paid?—A. No, sir; not the customs-stamp. The customs-stamp does not show that the duty is paid; the customs-stamp shows that there is an entry. That entry may be a warehouse entry. If it is an impost entry the duties are paid, but in the case of a warehouse entry after they are stamped with customs-stamps they are then sent to whatever warehouse the importer may designate. Now, when he comes to pay the duties on them, they have to come right back to the cigar-room again, and have the internal-revenue stamp put on and canceled. About a year ago there were some rumors of customs-stamps being sold in town by outside parties, and I had occasion to investigate the matter. I made a very thorough investigation and checked up the inspector's stamp-accounts very closely and counted the stamps on hand. I found a difference of but one stamp.

By the CHAIRMAN :

Q. Do you know anything about these transactions that Mr. Wicker has spoken about?—A. Yes, sir. With reference to the seven cases that were seized in Key West, I made no investigation, for the reason that the cigars did not come here. All I have heard about them was what Colonel Wicker told me and what I have heard from the consul at Havana, and also a telegram I have seen here in the hands of the consignee of the cigars.

Q. State what information you derived from those sources?—A. After Colonel Wicker made this examination here, he proposed to go back again to Havana, and I sent Inspector Hutchinson with him. The consul informed Mr. Hutchinson that he was satisfied that there was a mistake in shipment, in that the parties intended to ship 23,000 or 24,000 cigars, whatever it was, but that through mistake the 49,000 cigars were shipped. Those are the statements of the consul to Mr. Hutchinson, as related by him to me. I have no personal knowledge of the matter. That, together with the telegram I have seen here in the hands of Mr. Dubruille from the shipper, stating that the shipment was made through a mistake, is all that I know about that transaction. I heard nothing but *ex-parte* statements in the matter. I never investigated it.

Q. Did you verify in any manner the information that you had received from these parties?—A. I had no way of verifying it except by their statements. The cigars were there in Key West, and had been seized by Mr. Wicker.

Q. Was there any shipment at the same time, according to the tenor of this information, of 25,000 cigars?—A. I would have to look at the records to answer that question.

Q. It did not occur to you, then, at the time, that, in order to ascertain the truthfulness of this information, you had better apply a test which was here at hand?—A. No; I did not know that I had any test here to apply to it. The matter was out of my hands and out of my district.

Q. Was this your district?—A. This was my district.

Q. They reported to you that these 49,000 cigars, via Key West, were sent by error, and that they intended to ship by that route only 25,000 cigars?—A. They stated that they intended to ship only 25,000.

Q. And that they intended to ship 49,000 the other way?—A. They all came this way.

Q. Did the 25,000 come?—A. I do not know whether the 25,000 cigars came or not.

Q. They stated to you they had 25,000 cigars to ship instead of 49,000?—A. I think they stated to me that there were invoices for two lots, one for 25,000 and the other for 49,000 cigars.

Q. Did you see the invoices?—A. I do not recollect whether I did or not. I think I saw one of the invoices in the custom-house for 25,000 cigars.

Q. What was the date of that invoice?—A. That I cannot recollect. The cigars not being here, I paid no further attention to it.

Q. The 25,000 would be here?—A. The invoice for the 25,000 cigars was here, but I have no knowledge that the 25,000 cigars ever came here.

Q. You have no knowledge that the cigars were actually received?—A. I have no knowledge that the cigars were actually received.

Q. Is there any error, so far as you know, in the statement which Mr. Wicker has made here, as a witness, that you desire now, as a witness, to correct?—A. I have not heard all his statements. I have not been here all through his testimony. Mr. Wicker arrived here some time in 1872. He came up to my house to see me. It was after office-hours. He called my attention to several shipments, which he felt very confident were all fraudulent. He proposed that evening to go and get a warrant to seize the books and papers of the importers. It was too late to get the warrant. I told him he could not get a judge at that hour of the night to issue it. I suggested to him that we should go down early the next morning and get the books and papers and see what there was in it. We did so. I spent several days assisting him all I could. I repeated to him, when I got through, if he could only show me the slightest thread to a fraud, I would follow it up to Beelzebub—I think I used that word. With regard to the eleven cases marked, "H. G.," they arrived here on the 3d of August, 1872, by the Margaret. There were nine cases of cigars, and there were two cases containing 195 reams of wrapping-paper. Those cases were corded and sealed at Key West, and, on arrival here, the inspector found that they were still corded and sealed. On

their arrival in the appraiser's store, they were found to be corded and sealed. On the manifest these eleven cases were described as eleven cases of merchandise.

Q. What are you reading from?—A. I am reading from a memorandum that I took from the report I made on this matter. They were described as eleven cases of merchandise, and that was one reason why Colonel Wicker supposed there was a fraud. Another reason was, that he found in Havana no invoice on file with the consul. I did not consider those two facts, in the absence of any other evidence at the time, as any indication of fraud, because it is an every-day occurrence that goods come on the manifest described simply as merchandise. The master makes up his manifest from the bills of lading, and frequently the bills of lading do not describe the particular character of the merchandise. It says simply "merchandise." The master makes his manifest accordingly. It is an occurrence with almost every large steamer that comes in here, I think, that some portion of the cargo is described as "merchandise." The other circumstance which created suspicion in Colonel Wicker's mind was that there was no invoice filed with the consul. I found that on the 22d August of the same year Mr. Tiemann made an entry by appraisement on an uncertified invoice, and gave bond to produce the verified certified invoice. They arrived on the 3d of August. The fact of not filing an invoice with the consul before the shipment of the goods is also a matter of very frequent occurrence, as our bond-book, down in the custom-house, will show. Still I aided Mr. Wicker all I could. I examined the cigar inspector and all the men employed in the room about it.

Q. Who is the cigar inspector?—A. Mr. Davis. There were two or three men employed in his room at the time, but what their names were I cannot recollect. I suppose, however, that I possibly could find out what they were. I found, from an examination of those men and the cigar inspector, that some of those cases were not full. The cases would contain, if full, more than 54,300 cigars; but I found they were not full, or at least such were the statements of the men employed in the room. The requisition signed by the inspector was for stamps to cover 54,300 cigars. Those cigars were all taken out of the cases and piled separately on the floor. If there were any greater number of cigars than 54,300 there would be a quantity there for which there were no stamps, and if there was an intent to smuggle them, they would have to be put back in the boxes without stamps. The cigar inspector and all his men would have to be in collusion in that case.

Q. Your knowledge of what occurred in the room was derived from those officers, or from questioning those men?—A. I think Colonel Wicker was present at least a portion of the time while I was talking to them. With regard to the examination at Mr. Masich's store, Mr. Hutchinson was there together with Mr. Wicker.

By Mr. CONGER :

Q. What were Hutchinson's initials?—A. "D. J." He was an inspector. He was then a searcher of vessels. I sent him with Colonel Wicker, and I heard a good many statements as to what transpired at Masich's, and in this room where the boxes were being broken up. I have a statement here of Mr. Hutchinson's, and of Mr. Jackson's, a salt man who owned the boxes, and rented the place where they were packing salt. I took those statements at the time.

By Mr. NEW :

Q. Who is Mr. Jackson?—A. He is an importer of salt, and he was the owner of those boxes which they found in course of being broken up. Jackson & Manson are large salt importers here. Jackson had rented the floor above Masich's office, and in that room he used to have boxes for packing salt. The date of this paper is September 5, 1872, and I gave a copy of it to Colonel Wicker before he left.

By the CHAIRMAN :

Q. Did Mr. Masich's store and Mr. Jackson's store adjoin?—A. Mr. Jackson's was over Masich's office in the same building. Mr. Jackson says in this statement: "I hereby certify that all the boxes and cases which were in my packing-room over the office of F. Masich on the day when Special Agent Wicker first visited said packing-room were my property, having been purchased by my clerk for the purpose of packing salt therein; and that any boxes or cases there on that day were purchased not less than two months ago. These four cases were imported the 3d of August; and oftentimes I have occasion to break up boxes, cases, &c., so as to make them the size wanted; and instructions are to erase all marks so as to save any errors in shipment. All of which I am willing to swear to."

"DAVID JACKSON."

I have also taken the sworn statement of Mr. Hutchinson.

By Mr. CONGER :

Q. When was that?—A. 25th September.

By Mr. REILLY :

Q. Does this also refer to the eleven cases corded and sealed at Key West?—A. Yes, sir. I put to Mr. Hutchinson the following questions: "Q. On or about the 30th of May, you, in company with Treasury Agent Wicker, visited the office of F. Masich, and the salt packing-

room above, and found there eleven boxes, which Colonel Wicker says were the identical boxes which were corded and sealed from Key West, per steamship Margaret, August 3, 1872, nine of which contained cigars, and two wrapping-paper, and which were entered by one B. Tiemann; state if you saw these eleven cases on board the Margaret, and if the cords and seals were intact; and also state if there were any evidence, marks, or seals on the eleven cases which you found in Jackson's salt-room to identify them with the boxes you saw on the Margaret.—A. I think we found but ten cases in Jackson's room, and I saw eleven cases on the Margaret with cords and seals intact. There was no evidence to identify the cases in Jackson's room as said cases, per Margaret. There was no evidence to even cause the slightest suspicion as to the identity of the cases. I think there was evidence to show that they were not the same boxes or cases. The nine cases of cigars, before leaving the custom-house, were marked 'stamped and inspected' but of the ten cases found in Jackson's place, but two were found marked 'stamped and inspected.' On some cases we found marks of sealing-wax, but I could not say where the sealing-wax was put on; there was nothing to show that it was put on at Key West, nor could I say that the said wax was ever used as a custom seal. Q. Did David Jackson deny that the cases found in his place were his property?—A. He did not; he said his clerk always bought his boxes, that he knew nothing about them, or where he bought them, and that when he wanted boxes he told his clerk to buy them. Colonel Wicker and I were there. There were some twenty or fifty other empty boxes, and one hundred and fifty to two hundred empty barrels. Q. When you were in Masich's place you heard some noise and smashing going on in Jackson's place; state what you saw when you went to Jackson's floor, what Jackson said, and if you saw any evidence of any attempt to break up cases so as to prevent identification?—A. When we were in Masich's office we said to Masich that we would like to go up-stairs. He said he preferred that we should see Jackson, as the place belonged to him. We went down to Jackson's and asked permission to go up-stairs; he willingly complied, and said he would go up with us, and said if he could assist us in anything he would willingly do so. He came with us to the salt-packing room, and told us to look at everything we wanted, and said he would give us a man to move the boxes if we desired it. At Wicker's suggestion he had a large case removed to the other side of the room separate from the rest. We asked him in relation to the boxes being scraped. He said he also had his men obliterate all marks so as to only have on them his own shipping-marks. We asked why some cases were broken. He said that if a box was too large he broke it to make it a smaller size.

Q. While you and Colonel Wicker were in conversation with Masich did you observe anything in his manner to indicate that he was alarmed about anything?—A. Not the slightest.

Q. When you asked Masich if he knew B. Tiemann did he say that he knew nothing about Tiemann?—A. He said that he knew him; that he was not an importer, that he was simply a jobber in cigars, and that he was a poor man; and he further stated that he would try and find him and send him to the custom-house. On the day following he told me that Tiemann was not in town, but as soon as he returned he would bring him to the custom-house."

WITNESS. With regard to those eleven cases, about an evening before he went away, Colonel Wicker told me he learned from a drayman that four of those cases were hauled from the custom-house to the New Basin. Now, if that were so, and I found afterwards that it was so, certainly the boxes he found at Jackson's could not be the eleven boxes in question. He was satisfied at first that the cases he found at Jackson's were the cases in which those cigars were imported. Afterwards, a little before he left, he informed me that he found the drayman who hauled four of them to the New Basin, which would go to show that he was mistaken as to the identity of the boxes in Jackson's room.

By the CHAIRMAN:

Q. How many boxes did he say he saw?—A. My recollection is that he said he saw eleven boxes.

Q. That was the whole amount?—A. That was the whole amount. Colonel Wicker told me that the drayman told him that he hauled four to the New Basin; but before that Colonel Wicker felt very confident that he had found the eleven boxes in Jackson's place.

Q. Had he found them broken up, did he say?—A. Some of them broken up and with sealing-wax upon them. There were several other importations which Colonel Wicker called my attention to on his arrival, but I have not heard him testify to them yet.

By Mr. WHITAKER:

Q. Do you remember the date of Mr. Ong's removal from the position of United States appraiser at this port, or about the date?—A. I think it was sometime in 1875; I think it was about the first of July, but I will not be positive about that.

Q. State what the custom is with reference to consigning goods on manifest to order—whether that is frequently done.—A. Very frequently. Goods are frequently consigned to order on the manifest, and the reason is the is, perhaps the principal reason, that a man will purchase say ten cases of cigars in Havana, and he is not able to pay for them, as his credit may not perhaps be good there, and the bill of lading is then sent here to the agent of the

seller. The importer cannot enter his goods without producing the bill of lading, especially when they are consigned to order. He must therefore go and settle with the agent of the shipper for those goods, before he can make the entry at the custom-house, and get possession of them. The party who holds the bill of lading then indorses it in blank, and gives him the invoice together with the bill of lading, and then he goes to the custom-house and makes his entry. Very frequently goods come on the manifest consigned to order; very frequently goods come described as merchandise on the manifest, for the reason that the captain does not know what the contents of the packages are.

By the CHAIRMAN:

Q. Do I understand you to say that there was anything in the investigation which you made with regard to those eleven boxes consigned to a man by the name of Tiemann, going to show that they belonged to Mr. Masich?—A. Nothing at all; nor did I discover the slightest evidence that there was a fraud in any respect, and I told Colonel Wicker repeatedly so.

Q. Have you any knowledge of the fact derived from any source whatever, that these goods were not only consigned to Mr. Tiemann, but they were not in point of fact received by him, and sold by him?—A. I think that they came consigned to order, if I do not mistake. I see by my memoranda that these goods were consigned to order.

Q. Do you know who did in point of fact make entry for them?—A. I do: the bill of lading was indorsed over to Mr. Tiemann when he made the entry. He entered them on the 22d of August, and gave bond to produce the consular invoice.

Q. Do you know whether he received them in his store, and whether he actually sold them?—A. I do not know.

Q. Do you know where his store was?—A. I did not know until Colonel Wicker and Mr. Hutchinson found out where it was. I think it was down town, somewhere below Canal street.

Q. Did you take any steps to ascertain whether the cigars thus entered by him had been sold in his store or not?—A. Inspector Hutchinson and Colonel Wicker went around to ascertain about them, and about his store.

Q. You may have heard Mr. Wicker say that when he inquired for those cigars, this gentleman, Mr. Tiemann, informed him that he had none of that brand, and referred him to Mr. Masich's store?—A. I do not recollect his meeting Mr. Tiemann, but he may have.

Q. You were not in the room when he said that?—A. No, sir; I did not go to Tiemann's place with him.

Q. How long have you been acquainted with Mr. Masich?—A. I think that is the first time I ever saw him.

Q. When was that?—A. That was about the 1st of September, 1872; somewhere about there—the early part of September, or the latter part of August.

Q. How long did he keep a store in that particular building?—A. That I cannot say.

Q. Had you ever been in that building before?—A. Never.

Q. How do you account for the fact that Mr. Masich admitted to Mr. Wicker that he was the owner of these cigars?—A. I was not aware that he made that admission.

Q. I believe that is the testimony of Mr. Wicker here.—A. I was rather under the impression that Mr. Masich entirely denied any ownership of the cigars; that is my impression, from a conversation between Mr. Hutchinson and myself and Mr. Wicker, after their visit to Masich; that is the impression on my mind.

By Mr. CONGER:

Q. State to the committee whether, from your examination then regarding these eleven boxes, or from any information you have since acquired, you have now any reason to believe that there were any fraudulent practices connected with these cases at the custom-house?—A. None whatever.

Q. Or that any custom-house official did anything improperly in connection with it?—A. No, sir.

Q. Was there any reason, from anything you learned then, or have ever learned since, for any suspicion of wrong-doing in regard to those eleven boxes on the part of Mr. Ong?—A. No, sir.

Q. Or Mr. Davis?—A. None at all.

Q. Do you remember whether Mr. Wicker suggested any suspicion in regard to either of these officers at the time?—A. He may have with regard to Mr. Ong, but none with regard to Mr. Davis.

Q. Could fraud, supposed to have been committed, or suspected to have been committed, with regard to the cigars, have been committed without the collusion of the inspector of cigars, and of the men employed in the office to count or stamp them, or some of them?—A. The cigar inspector should be in collusion; there is no question about that. As to the other employes, if they were not in collusion they would still see what was doing, for they are the men who put the stamps on the boxes and pack them back into the cases. Now it would be very strange for those men to pack a lot of cigars into cases without any stamps on them, so that if they were not in collusion they would necessarily know that there was something wrong.

Q. Then such a thing could not occur without at least the guilty knowledge of the parties whose duty it was to affix the stamps?—A. I do not think it could. The rule in that cigar-room is that before a case of cigars is opened the importer is invited to be there before they are opened, so that if there should be any box missing, or anything gone out of the boxes, the importer will see for himself that the pilfering took place before the cases came to the cigar-room. The boxes are then all taken out, every single box, and piled, the fifties together, the twenty-fives together, and the hundreds together. Those laborers put on the stamps.

Q. They put on both the customs-stamps and the internal-revenue stamps?—A. Both the customs-stamps and the internal-revenue stamps; and they pile the cigars back into the cases and nail them up.

Q. When that is accomplished, has all been done that has to be done by custom-house officials except their delivery?—A. When the customs-stamps and the internal-revenue stamps are on, the cigars are ready for delivery.

Q. To the importer?—A. To the importer, or to his order.

By Mr. DARRALL:

Q. Who places the internal-revenue stamps to them?—A. It is done in the cigar-room. The importer has to write the cancellation on the internal-revenue stamp. He writes the date and his name.

Q. It is placed on by the same officers who affix the customs-stamps?—A. It is placed on by the same officers.

By Mr. CONGER:

Q. Do you mean the importer cancels these before they are put on?—A. Before they are put on, the importer writes the cancellation on them.

Q. Before they are put on the boxes?—A. Before they are put on the boxes; that is, the internal-revenue stamps—because he cannot very well do it on the boxes. It is stuck on with mucilage or starch.

Q. Then the importer must himself see and handle each revenue-stamp put on the boxes?—A. Before the importer gets his stamps, he has to get an order on the deputy collector for so many stamps. He cannot draw them from the collector of internal revenue unless he has an order from the collector of customs or his deputy.

Q. Then, when the importer has got these stamps on the order of the deputy collector of customs from the internal-revenue officer, what takes place?—A. The importer must take them down to the cigar-inspector. He writes the cancellation on them and delivers them to the cigar-inspector. They are in sheets, and they are torn up in strips, and they are given to the men in the cigar-room. They have the mucilage, and they rub it on the slip and put it on the box. The boxes are repacked into the cases after the two stamps have been put on—the customs and the internal-revenue stamps—and they are then ready for delivery.

Q. And they could not be repacked in those boxes without those stamps being on them, unless by collusion with some of the employés in the room?—A. Unless by collusion of everybody in that room, or at least guilty knowledge, on their part, of what was going on.

By Mr. DARRALL:

Q. Do you agree with Colonel Wicker, that fraudulent entries could be made there with collusion existing only on the part of the importer, the appraiser, and the cigar-inspector?—A. No; it would require the collusion of all those laborers in there in that room.

Q. You have given us a description of the *modus operandi*, beginning in Havana, of making importations of cigars. Would not there have to be, also, necessarily collusion on the part of the consul or of the exporter, who makes oath to the amount of cigars imported?—A. There would be no collusion on the part of the consul; that would not be necessary, because I suppose the consul rarely ever sees the goods.

Q. He is not required to make an inspection of them?—A. He is not required to make an inspection of them. The invoices are presented to him in triplicate, and are sworn to before him, and he certifies to them and puts his seal on them.

Q. What officers have to be in collusion in the custom-house, if any, other than those mentioned by Colonel Wicker?—A. In order to get out cigars, the appraiser would have to be in collusion, and the weigher would have to be in collusion.

Q. The weigher is not the cigar-inspector, but is a different officer, is he not?—A. He is a different officer. The weigher has his men—one or two men—to weigh them; either an assistant weigher or a laborer. The weigher and his various men also have to be in collusion, and the cigar-inspector would have to be in collusion, and the laborers in the front room would either have to be in collusion, or must have guilty knowledge of it.

Q. Now continue in regard to the officers furnishing these stamps.—A. We will now suppose a case. For example, we will say a man makes out an invoice in Havana of a hundred thousand cigars, or rather he intends to ship a hundred thousand. He wants to pass twenty-five thousand of these cigars through the custom-house without paying duty. He will have his invoice verified by the consul for seventy-five thousand cigars. That invoice comes on here, and is sworn to by the importer as seventy-five thousand cigars. The cases go into the cigar-room containing a hundred thousand cigars. There are twenty-five thou-

sand cigars there not stated. Now, then, the fraud is going to be accomplished. The cigar-inspector can make out a requisition for only seventy-five thousand. I am supposing, now, that they intend to defraud the Government out of duty on twenty-five thousand cigars. The inspector can only make his requisition for seventy-five thousand cigars, because that is the amount entered, and that is the amount appraised. Then he gets his stamps for seventy-five thousand cigars, and they are put on; but there are twenty-five thousand cigars lying there in the cases without any stamps on them. These have to be packed back into cases without any stamps on them. The weigher's return will show what these weighed. His weights will show weights for only seventy-five thousand cigars, because he also has to be in the fraud. Twenty-five thousand cigars have to go back into the cases without stamps.

Q. Then the deputy collector and the entry-clerk can only verify the correctness of the invoice by the stamps, and they have no other knowledge of the fact?—A. By the stamps, and by the appraiser's return, and by the weigher's return.

By Mr. NEW:

Q. But the persons who have custody and control of the stamps are not required to make any personal inspection of the cigars. They just furnish stamps upon the order, made to them?—A. Yes, sir.

Q. They might furnish a less number than the right number and yet not be guilty of fraud?—A. Yes, sir; that is it.

Q. They take the report of the appraiser and the weigher?—A. The entry is then linqdated upon the report of the appraiser and the weigher.

By Mr. CONGER:

Q. Must there not be an additional check when there must be a customs stamp on each of these boxes?—A. In case of fraud, there would be twenty-five thousand cigars without either a customs or an internal-revenue stamp. They have got to risk those twenty-five thousand cigars on the market without stamps, or dispose of them in some way.

Q. Our instructions as a committee also include suggesting any remedies for frauds or the removal of any such evils; from your experience and in your judgment are the checks upon frauds of that kind in cigars sufficient to prevent fraud, or could you suggest additional checks that would make the Government more secure?—A. I think, so far as the duty on cigars is concerned, and my remarks will apply also to every other kind of merchandise, that if duties were made purely specific in every case where it could possibly be done, and not *ad valorem*, as at present, there would be fewer frauds upon the revenue. For instance, take the duty on cigars; that is partly *ad valorem*. They pay compound duty, specific and *ad valorem*. The importers have a chance to undervalue the cigars. If they undervalue them, they make so much on the duty, and it is very difficult oftentimes for the appraiser to ascertain in regard to some brands. There are so many different brands, and so many different species of each brand that it is very hard for the appraiser to ascertain whether it is right or not. If the duty were purely specific on cigars, all you want then is an honest weigher and an honest cigar-inspector.

Q. That would not make it any easier to get cigars through without paying the duty?—A. It would not.

Q. They could not get through a box of cigars any easier without paying duty with specific duties than they can now, as far as the individual box is concerned?—A. No, sir.

Q. It would only be a diminution of duty on the cigars imported?—A. Yes, sir; when a vessel commences to discharge, she is placed in charge of the inspector. That inspector has to account for every single package on that vessel. Some of the cargo is sent to general order. He has to account for that. Some is delivered to the importers, some to the appraiser's store, and some is sent to warehouse under warehouse bond. Some of it is for exportation. He has to account for every single package. When he makes his return, it is compared with the manifest, and if there is a disagreement between the inspector's return and the manifest it has to be explained. The captain of the vessel is not entitled to a clearance until he explains the difference between the cargo and the return. But there will always be smuggling in cigars so long as the duty is so high. They are frequently found concealed in false bulk-heads and hidden in every possible way around the ship. People will always smuggle them so long as the duty is so high.

Q. What is the least quantity of cigars that may be imported and entered in any one package?—A. Three thousand is the smallest package that can be imported.

Q. Does that refer to the package?—A. That refers to the case.

Q. Cigars cannot be imported in less quantities?—A. A less quantity than three thousand cigars cannot be imported; and it has got to be three thousand cigars in one case. You cannot import fifteen hundred in one case and fifteen hundred in another case.

Q. Each case must have at least three thousand cigars?—A. At least three thousand cigars.

Q. And up to what amounts are importations sometimes made in cases?—A. Three thousand, four thousand, five thousand, six thousand, seven thousand, and ten thousand. There are sometimes fifteen thousand, but very seldom. Fifteen thousand is a large case. Perhaps the cigars will average five thousand to six thousand to the case.

Q. Are cigars always imported boxed up?—A. They are always boxed up.

Q. And inside of a larger case?—A. And inside of a larger case, always.

Q. Are they ever imported in bundles without any small boxes?—A. Sometimes you will take a box of fifty cigars, and it is all one bunch tied with a string.

Q. Are they put in the large box in bundles?—A. They are put in bundles in boxes.

Q. But are they ever put in loose bundles in the case?—A. No; they must be in boxes, even if they are in bundles. They are never imported in bundles in the case.

Q. Never, except as they are confined in the smaller boxes?—A. Yes. Sometimes you will take a box of a hundred, and perhaps there may be four bundles of cigars in that box tied around with a red band, but they are all in boxes.

Q. Did you ever know of a box containing thirty-five thousand or forty-five thousand cigars to be imported?—A. No, sir; I do not think such a box could be handled. A box of thirty-five thousand or forty-five thousand cigars would be about the size of a wood office or a coal office. It would be very large and could not be handled, and, I think, from the shaking of the boxes inside, it would be apt to break, unless it was iron bound.

Q. So that if it were stated that a box contained thirty or forty thousand cigars, you would think that could not have occurred?—A. I think not, sir.

By Mr. NEW :

Q. That is, unless the cigars were very small?—A. They would have to be pretty small cigars.

By Mr. DARRALL :

Q. How long have you served in the Government service?—A. Since the 1st of October, 1866.

Q. How long have you served in this district?—A. My district is now called the Seventh special agency district. It takes in Texas, Louisiana, Alabama, Mississippi, and Florida, as far as Apalachicola.

Q. How long have you served in this district?—A. I have been in this district since 1869, but not all the time steadily.

Q. What are your general duties as special agent?—A. The general duties of a special agent are to look after frauds on the customs revenue, and see that the revenue duties are properly collected and properly accounted for, and to see that the records of the office are properly kept in the custom-house.

Q. You have a general oversight of this custom-house here and all other custom-houses in your district in every respect?—A. Yes; but some of them I have not been able to reach yet.

Q. Still, you have a general oversight over them?—A. Yes, sir.

Q. You have oversight over the business and the appointments, and so on, of the office?—A. No, sir; I have nothing to do with the appointments. I have to do simply with the business of the office.

Q. State how you consider this custom-house at New Orleans is conducted since you have had experience in Chicago, New York, and elsewhere, in regard to efficiency, the amount of expense, and taking it generally, as compared with other offices.—A. As to the expense there has been a reduction almost every year since the year 1869, and I think the business has fallen off some. I think reductions have been sometimes made twice a year. I think the revenues have been faithfully collected and very properly accounted for, as the books will show. The records of the office are in a very good condition.

Q. Do you consider the expense of conducting the office excessive at the present time?—A. I think the expense at the present time has been pretty well brought down. It will cost almost as much to collect \$3,000,000 as it does \$5,000,000 in a custom-house, so far as the clerical force is concerned, because you have got to have a certain organization of clerks and to keep a certain number of books running in any case. There is one matter I would like to state: I received a subpoena the other day which was directed to Messrs. Kinsella, attending school at the Catholic seminary in the city of New Orleans. The Sergeant-at-Arms said it was intended for me. I learn that a charge is made that I have two sons on the roll of the custom-house drawing pay, but rendering no service, and attending a Catholic seminary at New Orleans. All I have to say is that the charge is false, malicious, and untrue.

By the CHAIRMAN :

Q. The charge is false, if it is so made?—A. If it is made, I simply take this opportunity to pronounce it an unmitigated slander, and my receiving a subpoena addressed to Messrs. Kinsella, students in a Catholic seminary in New Orleans, made me infer that there was such a charge.

By Mr. REILLY :

Q. Have you two sons who are in the custom-house?—A. I have one son who acts as clerk and messenger in my own office. It is necessary that I should have somebody there in my office upon whom I can rely. There is another son who is messenger for the ap-

praiser. They are both on duty all the time from 7½ o'clock in the morning until three in the afternoon.

Q. Is your salary paid through this custom-house?—A. No, sir.

Q. Is the salary of your two sons paid through this custom-house?—A. It is.

By the CHAIRMAN:

Q. Have your two sons ever been in the seminary in the city of New Orleans?—A. Never.

By Mr. REILLY:

Q. When were your sons appointed to places on the rolls of the custom-house?—A. The one that acts as messenger for me was appointed, I think, in the latter part of 1869.

Q. At what salary?—A. He has had various salaries. He has been raised, and has been cut down at different times. He now gets a thousand dollars a year.

Q. Did he get as high as \$1,200 a year at any time?—A. He did.

Q. Did he ever get as high as \$1,400?—A. He did.

Q. What is his given name?—A. Daniel P.

Q. What was his age at the time of his appointment?—A. He was about seventeen or eighteen. I cannot be sure about that without looking at the register.

Q. How old is he now?—A. I guess I can recollect the year he was born in. I think he was in 1854.

Q. Then if he was appointed in 1869 or 1870 he would have been about 15 or 16 years of age?—A. That would leave him 15.

Q. Has he rendered any service in the custom-house proper?—A. No, sir.

Q. He has rendered no service except as messenger for you?—A. Except as messenger and clerk for me.

Q. Have you an office in the custom-house?—A. Yes, sir.

Q. Has your son been going to school or attending to any other business or engaged in any other way since that appointment?—A. He has been engaged in no other work. For a short time he went to a night-school at Saint Louis College, and for a short time a teacher came around to the house at night, but never in office-hours.

Q. Did you ever have, since his appointment, occasion for his services?—A. I did, sir.

Q. Do you think his services were worth as much as \$1,400 a year?—A. That is a thing difficult to tell.

Q. Do you know of any other boy, fifteen or sixteen years of age, employed in this custom-house, who ever got as high as \$1,400 a year?—A. I guess so. His salary was fixed by Mr. Lobdell, who was sent down here to revise his salary. I think \$1,400 was good pay.

Q. Do you know of any other boy in the custom-house of that age who received that amount of wages?—A. I cannot say that I do without looking over the list.

Q. When was your other son appointed?—A. After the Chicago fire.

Q. What year was that in?—A. 1871. He was appointed in 1871, or early in 1872.

Q. What was his position?—A. Messenger.

Q. At what rate of wages?—A. He gets \$50 a month, I think.

Q. Has it been increased since his appointment?—A. No, sir; it has been reduced.

Q. Does he get \$50 a month now?—A. I am pretty sure he gets \$50 a month.

Q. How old is he now?—A. I think he is somewhere about seventeen years of age, but I will not be positive; I can let you know in the morning to a day.

Q. Then he was about eleven or twelve years of age when he was appointed?—A. No, sir; he was appointed in 1871 or 1872. He has been acting in no other capacity than messenger.

Q. Do you know of any regulation of the United States Treasury that prevents the employment in the custom-house of any person under the age of eighteen years?—A. I do not know that any regulation of the Department was violated in the case because the Department was apprised of it.

Q. I am speaking of your knowledge of the regulations.—A. I have never looked into the matter, but I have heard of such a regulation. But the Department was aware that they were my two sons.

Q. Was this son paid \$50 a month from the time he was first appointed?—A. No; I think it was more when he was first appointed. It seems to me it was \$60 a month.

Q. What is his given name?—A. Joseph. The messengers' pay was reduced all around pretty much.

Q. Has he attended school since his appointment?—A. Never, except a few months at the house at night. Never in the day-time.

Q. Do you think that the services he rendered to the Government were worth the compensation that he received?—A. That is the compensation fixed by the Department, and he acts as messenger for the general appraiser, but I do not know much about what he has to do.

Q. I want to know from your knowledge and experience whether the services he rendered to the Government are worth the compensation he got?—A. It is, according to the grade of salaries paid.

Q. Who has been receiving their salaries since they have been employed?—A. They turned it over to me—some of it.

Q. Have you been drawing it yourself?—A. No, sir.

Q. In no instance?—A. I may have, once or twice.

Q. Only that?—A. Only that.

Q. Have you not every month signed the pay-roll and received the pay of your two sons yourself since they were appointed?—A. Never in a single instance.

Q. They have drawn it themselves?—A. They have drawn it themselves.

Q. They only returned a portion of it to you?—A. They returned the most of it to me, and I paid their boarding and washing, and I gave them pocket-money when they wanted it.

Q. I would ask you whether you made these investigations as to the importation of these twelve cases of merchandise at the same time Colonel Wicker was here and in conjunction with him?—A. I did, sir; then and afterward.

Q. You did not complete the investigation while he was in this city?—A. Not all of it. I had not taken all the testimony when he left.

Q. Did you make a report of your investigations in that case to the Department?—A. I did.

Q. What induced you to make these investigations? Was it from any knowledge you had derived from the importation of those goods, or was it from what Colonel Wicker had informed you?—A. From what he informed me. He seemed to be satisfied that there were immense frauds in it, and he rather startled me when he showed me what he thought.

Q. The first intimation you received that there was any irregularity in this matter you received from Colonel Wicker?—A. Yes, sir.

Q. And on that you made this investigation with him?—A. I believe I made this investigation with him.

Q. You stated that those goods were passed through the custom-house upon the appraiser's report, and that there was no invoice?—A. There was an entry made by appraisement upon the uncertified invoice, and a bond given to produce the certified invoice.

Q. Was that certified invoice ever produced?—A. It was.

Q. Did you see it?—A. I have been informed that there was one.

Q. I ask you if you ever saw it?—A. No, sir; I do not think I ever saw it.

Q. Did you ever look for it?—A. I did not, that I recollect.

Q. Did you ever make any effort to compare it with the appraiser's report?—A. I do not recollect that I did.

Q. Did you make any effort of any kind at any time to ascertain what the contents of those twelve cases were, other than as they appeared from the appraiser's report?—A. I did.

Q. What effort did you make?—A. I made inquiries from everybody that I thought would know anything about it. There were eleven cases, not twelve—nine cases of cigars and two of wrapping-paper.

Q. Where did you hear this certified invoice was—the one that the bond was given for—at the time the goods were appraised and the bond given to produce it?—A. My impression is that that had been produced long ago, but I do not recollect the particular fact of seeing it.

Q. How long after you made the investigation did you hear that the invoice had been received?—A. I do not recollect.

Q. Do you know now that there is such a document in the records of the custom-house, or have you any reason to believe that there is?—A. I have, because I have no doubt the bond would be put in suit if it was not received.

Q. Why did you get this certificate from Mr. Jackson?—A. Because I was investigating the matter, and I wanted to get at all the facts.

Q. And you regarded that certificate as sufficient evidence of the facts that it set forth?—A. I have no reason to doubt Mr. Jackson's word.

Q. You knew him well?—A. I knew him as an importer of salt.

Q. Did you ever interview Mr. Tiemann about it?—A. I never saw him. I do not recollect that I have ever seen him. I could tell by reading over my report whether I had seen him or not.

Q. Did you ever make any effort to ascertain whether Mr. Tiemann was the owner of those goods?—A. None after Colonel Wicker left here.

Q. Did you ever become satisfied from any investigation you made as to who the real owner of the goods was?—A. I had no reason to suppose that any other person than Tiemann was the owner of them.

Q. And you made no effort to ascertain who was the real owner?—A. Not after Colonel Wicker left.

Q. Did you get the statement or certificate of Mr. Jackson before or after Mr. Wicker left?—A. Before.

Q. Did Mr. Wicker see it?—A. I think I have a letter from Mr. Wicker acknowledging the receipt of it.

Q. Then you sent it to him?—A. It was handed to him in my office, and I think I have a letter from him stating that it had been handed to him.

Q. Who was this Mr. Hutchinson that was aiding you in making these investigations?—A. He was a searcher at the custom-house; his principal business was searching vessels, and looking after vessels generally.

Q. Were the duties paid upon those goods?—A. They were.

Q. Paid as per the appraiser's report?—A. Yes, sir.

Q. And, so far as ascertaining the correctness of the duties that were on that report went, that was all that was ever done?—A. That was all that was ever done; so far as ascertaining the amount; that was all that was necessary.

Q. How many cases of alleged frauds have you investigated since you have been stationed at this port?—A. I could not tell.

Q. Is it quite a number?—A. It is quite a number.

Q. Have you ever reported to the Department any cases of fraud?—A. A great many.

Q. Did you ever seek to ascertain who this "H. G." was, or what that meant marked upon these cases, as the consignee of them?—A. No; I never could find out what that was.

Q. Did you see these cases in Mr. Masich's or Mr. Jackson's room?—A. No, sir.

Q. Do you know whether Mr. Hutchinson did?—A. He said he saw those goods, and described them in his affidavit. He went there with Colonel Wicker.

Q. Does he say in his affidavit that he saw any cases that were marked "H. G."?—A. No, sir; he does not.

Q. Or does he give that mark as a means of identifying the cases to which he referred?—A. He does not identify them at all.

Q. He speaks of certain cases, and gives certain reasons why they were not the cases which Colonel Wicker says were corded and sealed at Key West?—A. He fails to identify any of them at all, for the reason that the marks were all scraped off, and there was no appearance on the wax of any custom-house impression.

Q. So far as his report is concerned, and anything that he said to you, you never learned that any of these boxes had that mark of "H. G." upon them; I mean the boxes in Jackson's place?—A. No, sir; never.

Q. Do you know anything about the seizure of a lot of cigars at a place known as Bailey's vinegar factory?—A. I do, sir; I remember that the seizure was made.

Q. Please relate to the committee the circumstances of that seizure, and what led to it?—A. My son Dan brought to me some two, three, or four pieces of broken cigar-boxes that he got under that house. The house is on stilts. I examined the pieces and they appeared to be like Havana boxes, and there was no evidence or trace of stamps on the boxes. I submitted them, I think, to the appraiser for his opinion. He was of the opinion, I think, that they were pieces of Havana boxes. Seeing no evidence of customs or internal-revenue stamps on the pieces, I ordered the place to be watched. That was really the only evidence I had. If it had not been for those pieces of cigar-boxes, I would not have had the search made. I sent three inspectors there. The place was locked up. Nobody was to be found. It is away outside of the town on Rocheblave street. They got a locksmith and opened the door and made the seizure.

Q. How many cases of cigars were seized at that time?—A. They were brought to the custom-house in thirteen cases, but they were not all in thirteen cases, I think, in the building. I think they were pretty well scattered around there. They were gathered up and were all packed in thirteen cases.

Q. How did you know that they had come to the custom-house in thirteen cases?—A. The inspectors brought them there and reported to me.

Q. That was after the seizure?—A. That was after the seizure.

Q. Did you see the boxes after they were brought to the custom-house?—A. I presume I was down to see them several times and saw them in the store-room.

Q. Did any of these boxes have any customs-stamps on them?—A. None at all.

Q. You are positive of that?—A. I have the evidence of three or four men that there was not.

Q. On any of the boxes?—A. On any of them.

Q. Or anything to indicate that any portion of the seizure made by you had ever been in the custom-house?—A. None at all; and, in fact, if they had passed through the custom-house the owner of them would be very foolish to fill them with smuggled cigars. Supposing the owner of these cases, said to be stamped, did own the smuggled cigars, he would be very foolish to do that with them if they had passed the custom-house. The cigars were all counted and piled in boxes of twenty-five by brands. They were counted by three different men.

Q. That was after the seizure?—A. That was after the seizure when they were brought to the custom-house. They were all counted and there was not a stamp on a single box.

Q. Did you make an investigation of that matter?—A. I did; I spent a long time at it, and I had three or four men aiding me. I was going to say I had an assistant here, Special Agent Fox, whom I told to do nothing but to make a specialty of that case. I said to him, "I want you to find out who smuggled those cigars." I was under the impression that some men of means were interested in it.

Q. Give us the quantity of the cigars seized?—A. 171,800 cigars were reported on the seizure-book.

Q. In your investigation did you ever discover how these cigars got into that vinegar-factory?—A. I did.

Q. Where did they come from, directly?—A. I got the affidavit of the teamster who

hauled them there. He hauled ten hogsheads from Magnolia Bridge, on the new basin, and five cases from the Mobile depot, which led me to believe the cigars were smuggled somewhere on the Mississippi coast and brought in here, coastwise. This basin leads right out to the Mississippi coast.

Q. What is this drayman's name?—A. Williams.

Q. Is he living in this city now?—A. Yes, sir.

Q. Did you discover who the owners of those cigars were?—A. I did not; I have had several men looking for them.

Q. Did you never have any belief on that subject, based upon any investigation you had made in connection with it?—A. I had never any belief; nothing more than suspicions.

Q. Suspicions connected with the facts and circumstances connected with the smuggling of the goods?—A. Suspicions not strong enough to warrant any definite belief about the matter.

Q. Did you not believe, and in fact, ascertain, that they belonged to Masich?—A. I never ascertained any such thing.

Q. Did you have any such belief?—A. No, sir; I never had any such belief. I had such suspicions, but not such belief.

Q. Did you get any intimation or information that any portion of those goods seized had ever been in warehouse No. 6?—A. No, sir; the fact that the empty hogsheads were found in the factory corroborates the statement of the teamster that he hauled them from the new basin.

Q. Why so? What corroboration is there in that circumstance?—A. He swore that he hauled ten hogsheads from the new basin to that vinegar-factory, and the empty hogsheads being there would go to corroborate that.

Q. Where is this vinegar-factory situated?—A. It is not a vinegar-factory, it is an old cooper's shop near to a vinegar-factory. It is on Rocheblave near the corner of Bienville.

Q. It is pretty well outside of the built portion of the city?—A. Yes, sir, pretty well out. I have had two or three inspectors looking after it for a long time.

Q. Did Mr. Hutchinson assist you in that?—A. He did. Mr. Hutchinson, Mr. Wynne, and Mr. Detiege were the three inspectors.

Q. Were those goods sold?—A. They were.

Q. For what amount?—A. I think after paying all the costs of court and everything else, the amount turned in was a little over \$18,000.

Q. Do you know anything about the purchasers of them, as to whether or not that whole quantity of cigars was purchased mainly by one party?—A. No; they were purchased by different parties—a number of different parties. I had the sale very well advertised. There were hand-bills sent around which brought quite a large crowd of buyers there.

Q. Did you ever visit this vinegar-factory or cooper's shop yourself?—A. No, sir; I never went out there.

Q. Which one of your assistants did you send there?—A. I sent three inspectors there; I sent two of them together in the morning, and one of them came back, after finding the place locked, to see me, and to know if he would be justified in breaking the place open. He did not find me in, so he went to the district attorney. The district attorney was not in. Then he found me and I told him to get a locksmith, and sent another inspector with him.

Q. Did any of these parties report to you that they had ever found any person on these premises?—A. The place was found locked up.

Q. Did they say they had ever seen any person around there?—A. They had seen no men around there—none except Mr. Bailey, and he did not pretend to have anything to do with the goods, though he tried to prevent their seizing them.

Q. Who was Mr. Bailey?—A. He was the owner of the vinegar-factory and of this cooper-shop.

Q. Was he in the employ of Mr. Masich?—A. No, sir.

Q. Did any of your inspectors report that on any occasion of a visit there they had found any of Mr. Masich's employes there?—A. No, sir; never.

Q. Where did your son get those pieces of cigar-boxes that he brought to you?—A. He got them under the shed.

Q. What brought him out there?—A. What brought him out there was this: Mr. Bailey came to me and said he had rented this shed to some party, and that he had several articles stolen from his factory, and that he suspected the colored people around there of stealing them and hiding them in the shed.

Q. Whom did Mr. Bailey tell you he had leased that place to?—A. Mr. Bailey said to me, "There may be smuggled cigars there." Said I, "Make an affidavit to that effect and I will have it searched." "No," he said, "I will do no such thing, because I do not know that they are in there." I sent my son out there to see the place. Mr. Bailey told me he did not know that there were any cigars there; but the boy went out there and he brought me these pieces of boxes. That is how he came to get the pieces of boxes, and upon that evidence alone, namely, that they were Havana boxes with no sign of stamps on them, I had the place searched.

Q. Then your first intimation that there were smuggled goods in that building was derived from what Mr. Bailey said, and not from the fact of your son's bringing you these

pieces of boxes?—A. I said, "Mr. Bailey, is not this the fact, that you did not have the slightest idea that there was a single cigar there, but you simply wanted me to open the shed, with a search-warrant to look for your stolen goods?"

Q. What did he complain of being stolen?—A. Something around his factory.

Q. This place belonged to him?—A. Yes, sir.

Q. He believed his goods had been stolen and put into another piece of property that he owned?—A. Into what he had rented to somebody.

Q. Tell us all about that.—A. Mr. Bailey, I do not think, ever saw his tenant for this place. This man Williams, the teamster, rented the place for another man.

Q. Is Mr. Williams the teamster you have spoken of?—A. Yes, sir. Mr. Williams lives near the shed. A stranger came to Williams one evening and asked him if that shed could not be rented.

Q. Who told you this?—A. Williams's affidavit. Williams said to the stranger he supposed so, and he said he would inquire of Mr. Bailey. Mr. Williams inquired of Mr. Bailey, who told him he would rent it for \$6 a month. After a while, a few days, this stranger came back, and Williams told him he could have it for \$6 a month, which he agreed to; and he employed Williams to haul those loads for him. Williams swears that he (Williams) did not know that there were any cigars in the cases.

Q. Did you make any investigation to discover who the tenant in that place was?—A. I did.

Q. What was the result of that investigation?—A. The result was that I could not find him. Williams said his name was Cassidy. Bailey said his name was Cassendac. He used to give the receipts for the rent in the name of Cassendac.

Q. Did you make any effort to find out if there was such a man?—A. I made every possible inquiry.

Q. Where did Williams tell you he had met this man?—A. He lives near this shed, and the stranger met him there.

Q. Where did he pay Williams the rent?—A. He always gave the rent to Williams for Bailey.

Q. Did you ascertain from Williams where it was paid to him?—A. I think he used to pay it at the place where Williams, this drayman, stands.

Q. Where is that?—A. At the corner of Tchoupitoulas street.

Q. Is that anywhere near Mr. Masich's place?—A. Some few squares off, I think.

Q. How long did you ascertain that this place had been rented and the rent paid for it?—

A. If I had my report here I could tell you the time. That stated the time. It was, I think, a few months before the seizure was made.

Q. When was it this seizure was made?—A. About the 1st of December, 1873. He stated that the stranger had rented this place a few months before the seizure was made.

Q. Was the first intimation you had of any smuggling of goods from what Bailey told you when he first came to you about his goods being stolen?—A. That is what caused me to send my son there; but Bailey denied any knowledge of cigars being there.

Q. Can you give us any reason why, when Mr. Bailey believed his goods were being stolen and deposited in this cooper-shop, which belonged to him, he should come to you?—

A. Mr. Bailey had no right to go in there himself.

Q. What right had you to go in there?—A. With a search-warrant.

Q. Why did he come to you; you were not a police-officer?—A. No; but I presumed he knew I could get a warrant to search the place for smuggled goods.

Q. He knew you could only do it where there was an allegation that the Government was being defrauded on cigars?—A. I knew I could not open it without a warrant.

Q. And without a warrant based on such an allegation?—A. Based on an affidavit.

Q. On an affidavit that there was some fraud being perpetrated on the Government?—A. Yes; or suspicion of fraud.

Q. But it was only where it was alleged that the United States Government was interested in some way that you would have a right to get a search-warrant?—A. That is all.

Q. What sort of goods did Mr. Bailey mention as having been stolen from him?—A. He mentioned them—some traps around his vinegar-factory.

Q. Cannot you mention any of them?—A. I cannot now.

Q. Do you remember whether they appeared to be articles of value?—A. No; there might be something like harness for the wagons, or the tools around the yard. I do not recollect what articles he said were missing. But he suspected the colored people there of stealing them and hiding them in that building.

Q. Did he give you any reason why he could not have gone and inspected these premises himself?—A. He did not.

Q. You understood he owned them?—A. He owned them, but he had them leased, and a man cannot go into a house that is leased any more than into a stranger's house if he finds it locked.

Q. The rent was paid for this place for a couple of months before you made this seizure?—A. It was leased a few months before the seizure.

Q. And you understood the rent was paid to Williams by this man who rented it?—A. Yes, sir.

Q. At the place where his dray stood?—A. I think so; but I will not be positive.

Q. Where was that?—A. It was either the corner of Gravier and Tchoupitoulas, or Common and Tchoupitoulas streets.

Q. Do you know where Masich & Co.'s store is, or was at that time?—A. In 1872 I know it was on Gravier street.

Q. Did not you know that it was at the corner of Tchoupitoulas?—A. No; I do not recollect of its being on the corner.

Q. It was in that neighborhood?—A. I know it was in that neighborhood, but I do not recollect the precise location.

Q. Do you know what disposition was made of the proceeds of that sale?—A. I do.

Q. Tell the committee what it was.—A. It was paid over to the Treasury.

Q. By whom?—A. By the collector of the port.

Q. Who received the money at the sale?—A. The marshal. They were libeled in the United States court and sold by the marshal.

Q. By reason of your position you are not entitled to any portion of the proceeds of the sale?—A. I must establish the fact that I was the informer to be so.

Q. Did you make any application in this case for a share of the proceeds?—A. I did.

Q. Did you get any portion of the proceeds?—A. Not a dollar.

Q. Why not?—A. There was a counter-claim in, and the other claim was considered better by the Government.

Q. Who put in that claim?—A. Mr. Bailey.

Q. He received the money?—A. He received it.

Q. Upon what state of facts did he base his claim as being the informer?—A. I do not know that I have seen his statement. I do not think I ever saw his statement.

Q. Was not it based upon the fact that he gave you the information that there was smuggled cigars there, and not that he came to you, because some of his goods were hidden there?—A. It could not be that fact, because it was not so.

Q. Did you not state that he told you that he thought there might be smuggled cigars there?—A. He said there might be, and I said I could not go there, because I did not know that there were any there.

Q. How much did Mr. Bailey get?—A. I think he got fifteen hundred and odd dollars, but I am not sure.

Q. Did you never suspect that Mr. Bailey was in complicity with the parties who rented this place?—A. I have no reason to suspect it.

Q. Did you think there was nothing singular about the manner in which he rented this place?—A. I do not know that there was.

Q. Is it not singular that he rented it to a party that he had never seen, and that he rented it through a drayman?—A. No, sir; I do not think it was, considering the fact that it was a little shed, that did not amount to anything much and was entirely useless to him.

Q. You thought there was nothing strange about that way of doing business?—A. It never struck me as singular. I suppose Bailey knew this man Williams very well, and that he intrusted the matter to him.

Q. Did you ever make a claim for a portion of the proceeds, as informer, in the name of your son, who brought you these pieces of cigar-boxes?—A. Never.

Q. You simply made it in your own name?—A. I simply made it in my own name.

Q. Did Mr. Hutchinson or the other gentlemen who assisted in the seizure make any claims for any portion of the proceeds?—A. I took Mr. Hutchinson in with me.

Q. For part of the informer's fees?—A. Yes, but we did not get any. The seizing officer, as such, is not entitled to the informer's share.

Q. Did Mr. Hutchinson unite with you, and was it a joint application by you both?—A. It was a joint application.

Q. Did you resist the application of Mr. Bailey?—A. I resisted it to this extent, that I furnished the Department a full statement of all the facts in support of my claim, and among these was the fact that Mr. Bailey undertook to resist the officers when they were making the seizure.

Q. What resistance did he make?—A. He did not want them to enter the place. He had a very excited manner. He put his hand in front of him, I believe, but he saw it was no use, and he let them in.

Q. Can you account for that if Mr. Bailey was only looking for his own goods, and had solicited your assistance to recover them?—A. I could never account for it. Mr. Bailey came and complained to me of how I had acted.

Q. You think there was nothing singular in all these circumstances; the manner of renting this building; Mr. Bailey's conduct subsequently; his complaints to you, and his manner when you went there to do just what he asked you to do?—A. I think it was very singular that he should resist the officers.

Q. Especially when he had given you this information?—A. Especially after his speaking about his stolen property; but I never suspected Bailey to have had anything to do with the smuggling.

Q. What was his business?—A. He ran that vinegar-factory.

Q. Had he any other business?—A. None that I knew of.

Q. Do you know where Mr. Williams is now?—A. I think he keeps at the same place.

Q. He is still in business in this city?—A. Yes, sir; I think so.

Q. Do you know anything about the shipment, or alleged shipments, of whisky and tobacco by vessels known as the Greenland and Harkaway?—A. I do.

Q. Was there any fraud, or alleged fraud, connected with the shipment of those cargoes?—A. There was nothing in the matter but fraud.

Q. Give the committee a history of that transaction.—A. It would be pretty hard for me to give a correct history of it without my memoranda.

Q. If you will state to us in what the fraud consisted it will probably answer our purpose.—A. The fraud consisted in taking whisky and tobacco that was subject to taxation out of the internal-revenue bonded warehouse, making a pretended exportation of it to Mexico, and some of it to Belize, whereas it never left the port, until it went into market. Bonds were executed for it, which were fraudulently canceled.

Q. When was this?—A. The last bonds that were canceled, I think were canceled in November, 1868.

Q. How many cargoes of this character were there?—A. There were eight hundred and fifteen barrels of whisky and two hundred and eighty boxes and half-boxes of tobacco shipped on the schooner Greenland to Belize, British Honduras.

Q. Give us the date of that.—A. I cannot give you the date of that without the memoranda. The shipment was made I think in 1867. The export-bonds were executed and export-entries made. There was also a shipment of five hundred barrels of whisky and four hundred and eighty boxes and half-boxes of tobacco on the Harkaway, to Matamoras; and I think there was also four hundred and seventy-five barrels of whisky shipped on the Greenland to Matamoras.

Q. What amount of bonds were given to the Government in those cases, if you remember?—A. I think bonds were given for double the amount of the tax.

Q. Do you remember what amount that would be?—A. Well, I could not make a guess even; it was under a hundred thousand dollars, I think, for the whole lot; but I could not tell you exactly without my memoranda.

Q. Who was the principal on the bond?—A. I think J. H. Cohen was principal on some of them. I cannot recollect the other men.

Q. Do you remember any of the sureties?—A. I think Mr. J. M. Sutherland was surety on one of them, and I think a man by the name of Callaway was also; but I will not be sure.

Q. Explain why these bonds were taken, and what the purpose was in those cases of taking them.—A. These goods were subject to internal-revenue tax, and were all deposited in the internal-revenue bonded warehouse. If they were exported, and the proper proofs produced that they were landed abroad, this internal-revenue tax was canceled, and this was the object of making those exportations. When they were shipped on board, the shipping was superintended by an inspector of customs. He has one of the export-entries in his hand, and he compares the goods shipped with the goods described in that entry, and makes a return on the book of the entry according to the usual form: "I hereby certify that the within-described goods were laden on board the schooner Greenland for exportation to Belize." I got hold of this inspector.

By Mr. DARRALL:

Q. You were here as special agent at that time?—A. I was here investigating those matters. The stevedore who loaded one of those vessels told me that when she left she had nothing on board but lumber, whereas her manifest is for both lumber and whisky. That made me satisfied that there was something wrong. I got the inspector who superintended and certified to the three shipments I have named, two on the Greenland and one on the Harkaway, to make a written statement. He certified that all his signatures and certificates upon those entries were all false and fraudulent, and these goods were not laden as certified by him.

Q. Who was the inspector that superintended the shipment?—A. His name was George B. Dyche. There is no record of this shipment on the British custom-house records, or that this vessel brought any such goods there. The bond was canceled on the production of the certificate signed by the United States consular agent.

Q. Was that man Dyche in the employ of the custom-house?—A. He was a custom-house official at the time those transactions took place.

Q. Has he been since?—A. Not to my knowledge.

Q. Has he been employed in any position in or about the custom-house?—A. I think not.

Q. You are not certain of that?—A. I feel pretty certain of it for this reason, that he was away at one time working on the Mobile Railroad, and more recently I heard of him keeping a saloon down near the barracks.

Q. You discovered that there was fraud in those cases; were these bonds verified, and if so, what became of the forfeitures?—A. There was a fraud in it; the bonds were canceled with the exception of one lot.

Q. What do you mean by canceled?—A. The word "canceled" was written across the face of the bonds.

Q. Why was that done?—A. That was done in the custom-house.

Q. But why?—A. To cancel these bonds and to get the obligors clear of the obligation.

Q. That was a part of the fraud?—A. That was a part of the fraud.

Q. What about the bond that was not canceled?—A. There were three bonds that were not canceled. I found on file a certification for the cancellation of the same; but for some reason not known to me the word "canceled" was not written across the bonds.

Q. Did you find the bonds?—A. I found the bonds.

Q. These three bonds?—A. Yes; I found these three bonds.

Q. Where?—A. In the custom-house.

Q. In whose custody?—A. In the custody of the collector.

Q. That was the proper place for them?—A. The proper place.

Q. Were they at any time taken from the custom-house or stolen?—A. No, sir; not those bonds.

Q. Were any of the bonds connected with this exportation taken away in that way?—A. No, sir; these were custom-house bonds. They were not stolen.

Q. Do you know of any other bonds that were stolen?—A. Not from the custom-house proper.

Q. Were any bonds that the Government was a party to and interested in stolen from any of the custodians of them?—A. Yes; I know of four bonds that I have reason to believe were stolen; at least if not stolen they were not in the proper custody. I will explain all about that when the case that I am now on is through.

Q. If there is anything more you wish to state about it you can do so.—A. I was waiting for questions.

Q. Do you prefer to have your memoranda with you before you answer further?—A. I do. There is a great deal of data and memoranda about it, a great many dates and figures.

Q. The statement you have already given is complete, you think, so far as the general facts and features of it are concerned, in relation to the frauds perpetrated on the Government?—A. Yes; but I would like to read to the committee the statements of the inspector and the stevedore.

Q. You may now go on to state what you know about these four bonds that, as you say, were not in the custody of the proper person.—A. In 1870, I think, I heard that a man by the name of David Powers—he has a middle name, but I do not recollect it—had some papers in his possession which would be damaging to certain leading gentlemen in the State. I asked him if he had such papers, for I had heard accidentally that he had made a remark of that kind. When I asked him if he had such papers in his possession, he said he had; after a good deal of diplomacy and dickerings, he promised to let me see them. The understanding was that I should not take any advantage of the interview. He took me seven miles out of town and showed me four bonds, or at least what purported to be four bonds; they were given for the transportation in bond in the aggregate of 1,824 barrels of whisky; part was shipped in bonds to Brownsville, or rather was purported to be shipped; a part to Corpus Christi; a part to Indianola; a part to Lavaca. The tax covered by the four bonds amounted to \$134,000. The bonds appeared to have the usual cancellation-certificate written across them: "Canceled by production of certificate," which would indicate that landing-certificates from the respective collectors at Brownsville, Corpus Christi, Lavaca, and Indianola had been sent here to this office showing that those goods were received there. I tried to get possession of those bonds from him, and after a couple of years I did get possession of them and surrendered them to the Department at Washington. The accounts of the collector of internal revenue showed in Washington that when those withdrawals for transportation were made, he credited himself with the amount of the tax in his account upon those 1824 barrels of whisky as though he had received landing-certificates from the collectors of all those places, and when the reports came back from the collectors of those places, those reports showed that no such whisky was ever received there, and the amount was charged back to the collector. The collector got instructions to put the bonds in suit. Instead of putting the bonds in suit, he gave them to Powers. When Powers gave up the bonds to me, I was just going to leave the city, and the only question with me was to get them. I asked him how he came in possession of those bonds. He said, "The old man"—that is what he used to call the collector, General Steadman—"gave them to me. He said to me, 'Dave, take them out and make \$13,000 for me out of them, and all you can make out of them over and above that you can have for yourself.'" That, I believe, is pretty near the history of those bonds.

Q. Do you remember whose names were on the bonds?—A. I think Mr. Harris was the principal.

Q. What was his full name?—A. I can state by looking at my report.

Q. Who were any of the sureties, if you can remember them now?—A. I cannot recollect them without looking at the bonds.

Q. Why did you want to get these bonds from Powers after you had heard that he had them?—A. I considered that they belonged to the Government and the Government should have them.

Q. What reason did Powers give for retaining them, and why did he refuse to give them to you; you say that you were two years trying to get them?—A. Yes, sir; two years or more.

Q. What reason during that time did Powers give for refusing to deliver them up to you?
—A. The general reason assigned was, if not in the same words at least substance, that he did not like to go back on his friends.

Q. Who were his friends?—A. That I do not know.

Q. Who did you understand were the friends he meant?—A. I supposed the parties connected with those bonds and those shipments of whisky.

Q. What position did Powers hold at that time?—A. Powers was, I think, deputy, or held some position under General Steadman in the office of internal revenue.

Q. At the time you were making these efforts to recover these bonds, what position did he hold?—A. He held no Government position. He may have had some position in the city-hall, or under the State government, but none under the United States.

Q. Where is he now?—A. I saw him some two or three days ago.

Q. Is he living in this city?—A. Yes, sir.

Q. What is his business now?—A. I do not think he has any business now.

Q. What has he been doing since?—A. He has been until recently, I think, in the office of the internal-revenue collector.

Q. Has he not been in the custom-house at any time?—A. No, sir; I never knew him to be in the custom-house.

Q. But you think that until recently he has been in the internal-revenue office?—A. Yes, sir.

Q. Is he not there now?—A. I have been informed that he is not.

Q. How long have you been informed that he has left there?—A. A few days only.

Q. Do you mean that that is since you were informed he left, or since he left?—A. I have been informed that he has left within a few days.

Q. State to the committee whether in your efforts to get these bonds from Mr. Powers he did not want it to be a condition upon his delivering them up that he should receive some position.—A. At first he did.

Q. Did he assign any other reason than that for refusing to deliver up the bonds?—A. When I first knew he had the bonds, I asked him on what terms I could get the bonds out of his possession. He said I could not name any terms. Finally he said if he got a \$2,000 position he would give them up.

Q. How soon after he gave you the bonds did he get a position in the office of the collector of internal revenue?—A. He got no position for giving up the bonds.

Q. How soon after was he employed there?—A. He gave me up the bonds in October, 1873. I do not think it is two years ago since he has been appointed in the internal-revenue office.

Q. How long was it between the time, to the best of your judgment, that you got these bonds and the time when you learned that he was employed in the collector's office?—A. It was nearly a couple of years, I think.

Q. When did you get the bonds?—A. I got them in October, 1873.

Q. Did not you state just now that you thought Powers had been in the office of the collector of internal revenue two years?—A. He went in there when Mr. Cockrem went in, but I cannot tell when that was.

Q. How did it come that Powers delivered up to you these bonds finally after your two-years' efforts?—A. A friend of his came to me and said, "I wish to get him [Powers] in the custom-house." I gave him a history of those bonds, and I told him that Mr. Powers had deceived me once about it, because I had succeeded in getting a place for him and then he backed out of giving the bonds, and would not give them up. I said that I was determined that he should not deceive me again. His friend spoke to me about it. In the first place, his friend had gone to the collector of the port to get him in the custom-house, and the collector knew I had some objection to his going in, so he referred his friend to me, and I explained this transaction to him, and I said that he need not expect anything from me; that if he ever expected anything from me, those bonds should be surrendered unconditionally. Some time after this—several months, I guess—he came to me and said he wanted to make a bargain for the bonds. I told him that it was unconditional this time. He said it would be unconditional, and he gave me the bonds.

Q. Who was this friend of Powers that came to you?—A. It was somebody connected with the custom-house. I think it was Mr. Ong.

Q. What position did he hold at that time?—A. He was appraiser.

Q. You mean Mr. Thomas Ong?—A. Mr. Thomas Ong.

Q. You are quite certain that it was he?—A. Yes, sir; I am quite certain of it.

Q. How long after you had first asked Powers for those bonds was it that you got him a place in the custom-house which he refused?—A. I did not get him a place in the custom-house.

Q. Did not you state that?—A. I stated that I got him a position.

Q. What position did you get for him?—A. I got him a position from the Government direct from Washington.

Q. What was the position he was to have?—A. He was assistant special agent for a while.

Q. Was he to assist you?—A. He was to assist me in developing these whisky matters connected with those bonds.

Q. Do you know why Powers refused to accept that place?—A. I do not know why.

Q. Did he assign any reason at the time?—A. I guess the reason assigned was that he could not go back on his friends, or something like that.

Q. If he had accepted that position, was it understood that he was then to deliver up the bonds?—A. Before he got the appointment in his hand.

Q. How long after you had first learned of the possession of these bonds by Powers, and that you made an effort to get them, was it until you had secured this position for him at Washington?—A. I think some two or three months, but I am not positive. If you mean from the time he made the proposition until he got the place, I should say some three months about.

Q. You said that Powers said the way he came to get these bonds was that Steadman had handed him these bonds and said, "Here, Dave, take these and make \$13,000 for me, and you can keep all you make over that?"—A. Yes, sir.

Q. Did Powers say whether he had ever realized any money on those bonds?—A. No, sir.

Q. Did you ever know if any money had been realized on those bonds?—A. I never knew it.

By Mr. NEW :

Q. Did he make the impression on your mind that he had made money out of them, and therefore did not want to go back on his friends?—A. That has always been my opinion, but I do not know it. If an opinion amounts to anything, that is my opinion.

Q. At the end of these two years, after these efforts, did Mr. Powers deliver up these bonds voluntarily?—A. I considered it to be voluntarily. He came into my office and said he wanted to make a bargain with me about these bonds, and I declined.

Q. Was there any bargain made?—A. No; I told him it must be unconditional this time.

Q. There was no consideration then of any kind?—A. None; no consideration—either money, position, influence, or anything else of the kind.

By the CHAIRMAN :

Q. Can you give me the first name of the drayman Williams?—A. By looking over my report I see he is designated as Williams; but I can find his first name for you.

NEW ORLEANS, June 7, 1876.

JOHN O. NOBLE sworn and examined.

By Mr. NEW :

Question. Where do you reside?—Answer. 161 Carondelet street.

Q. How long have you lived in New Orleans?—A. I came here first in November, 1845, and have resided here since 1866.

Q. Do you know whether your name has at any time been upon the custom-house pay-rolls?—A. I do not; I never signed any pay-rolls.

Q. Have you at any time signed pay-rolls, vouchers, or other papers at the custom-house?—A. I signed vouchers; at least, what they called vouchers.

Q. Can you describe to the committee about what size the papers were that you subscribed your name to by any of those sheets of paper in front of you?—A. I think it was about the size of a letter-sheet—probably somewhere in that neighborhood.

Q. At whose request did you sign, and who presented you with the paper you signed?—A. It was a gentleman named Mr. Blache or Blase.

Q. Do you know in what capacity he was acting at the custom-house?—A. I do not know.

Q. What did you understand, if you had any information on the subject, to be his position?—A. I understood he was cashier or paymaster.

Q. Have you seen him there before or since?—A. I do not know that I ever did.

Q. How often did you sign vouchers or papers there?—A. For September, October, and November of 1872.

Q. How often, if it was more than once, did you sign each month?—A. I think it was three or four times that I signed each voucher each month; there were three or four vouchers.

Q. There were three or four that you signed each month?—A. Yes; they were separate each month and I signed at the bottom; he showed me where to sign; I would not be positive about it.

Q. Were you employed in any manner at the custom-house?—A. Never.

Q. Or in the custom-house service anywhere?—A. No, sir.

Q. How did you happen to come there to sign those papers; what induced you to do it; what brought it about?—A. It was during the campaign of 1872.

- Q. Were you requested by any person or persons connected with that campaign to do so ?
 —A. I got the position ; I was told I would get \$90 a month.
- Q. For what ?—A. I do not know for what.
- Q. What position is it of which you have spoken ; what was it called ?—A. Some of them said it was the post-roll ; at least, I heard that from outsiders ; I do not know what it was.
- Q. Who said to you that you would get \$90 a month ?—A. General L. A. Sheldon.
- Q. Was General Sheldon at that time a candidate ?—A. Yes, sir.
- Q. For what ?—A. Member of Congress, I think.
- Q. State to the committee what else, if anything, he said to you at that time or any other time about your getting \$90 or any other sum at the custom-house.—A. He told me to report twice a week to Mr. Herwig and to do what I could for him.
- Q. Do what you could for whom ?—A. General Sheldon.
- Q. Did you do what you could for him ?—A. I did.
- Q. What did you do ?—A. I hardly know what to say.
- Q. What was it that you did that you regarded yourself as doing for him ?—A. I worked for him during the campaign.
- Q. What kind of work—do you mean work in the canvass ?—A. Yes, sir.
- Q. You say he told you to report there at the custom-house twice each week ?—A. Yes, sir.
- Q. About how often did you go there each week ; was it as often as twice ?—A. I think I went the first month regularly twice a week, and after that sometimes once a week ; I do not recollect now exactly ; it has been so long ago.
- Q. To whom did you report when you went to the custom-house ?—A. It was very hard to get in ; I used to report to the doorkeeper.
- Q. Why was it hard to get in ?—A. You could not always get in when you wanted to ; I reported to the doorkeeper to tell Mr. Herwig I was there.
- Q. When you did that, did you get in ?—A. No, sir ; I left.
- Q. But you did get in sometimes ?—A. I got in sometimes ; when I got my money I always got in.
- Q. Did you see Herwig yourself at any of these times ?—A. Yes, sir.
- Q. What was meant to be accomplished by reporting there twice a week ?—A. To get your money, or report what you had been doing. I never reported at all what I was doing. I tell you just what was said to me, and that is all I know ; I do not know what it was for.
- Q. You know what you got when you went there ?—A. Yes, sir ; I got money.
- Q. How much money were you to get per month, if any sum was agreed upon ?—A. \$90.
- Q. And who told you, or assured you, that you would get \$90 a month ?—A. General Sheldon.
- Q. And that was for aiding him, and doing what you could to secure his election ?—A. Yes, sir.
- Q. Was he then a candidate for Congress ?—A. Yes, sir ; I think so.
- Q. Do you remember whether he was a candidate for Congress for the State at large ?—A. I do not know how that is. He was a candidate in our district where I lived—the fourth district.
- Q. How much did you get per month ?—A. I got \$60 the first month.
- Q. How much, if anything, the second ?—A. I do not know whether I got \$60 or \$70 the second month.
- Q. What, if anything, did you get the third month ?—A. I got the same.
- Q. Which, \$60 or \$70 ?—A. Either \$60 or \$70 ; I do not recollect which.
- Q. How did it happen that you went twice a week instead of once a month ?—A. I do not know why. He told me to report there twice a week—to come to the office there and report.
- Q. How did you subscribe your name ; was it by making your mark, or by writing your name ?—A. By writing my name.
- Q. Are you sure that you received \$60 the first month ?—A. Yes, sir ; I know what I received the first month ; I do not know whether I went in September or August for it ; but if it was in September, I was discharged the next day after the election.
- Q. What constituted your discharge ; what was said to you, and by whom ?—A. Mr. Herwig discharged me.
- Q. What did he say to you ?—A. He told me they had no further use for me.
- Q. Which one of the Herwigs was it that said they had no further use for you ?—A. Felix.
- Q. Where did that conversation occur ?—A. In Colonel Casey's private room, next to Mr. Blache's office.
- Q. Did you regard your services as terminated by the election ?—A. Yes, sir.
- Q. Independently of what he said to you ?—A. Yes ; I supposed they would be over.
- Q. How did you happen to see him at that time ?—A. All of those men that were on the roll at that time told me that they had got their discharge, and I went and got mine.
- Q. Did you get any pay at that time ?—A. I got what was due to me up to, I think, the

30th of the month. I do not recollect what time it was, but it was the next day after the election was over.

Q. Have you any means of refreshing your recollection as to how much money you drew each of the times you called during the first month, and how much you drew each of the times you called during the second month, and each of the times you called during the third month at the office?—A. I think I got \$140 during the whole time I was there.

Q. You have said that you reported at the office twice each month for three months?—A. I cannot state whether I went there first in August or September.

Q. At all events, there were three months?—A. Three pay-months.

Q. And those months succeeded each other?—A. Yes, sir.

Q. Can you tell me how much money you got the first time you reported?—A. I did not get anything the first time I reported.

Q. I mean the first time you reported when you were paid anything?—A. I think it was the 5th of the month—somewhere about that, from the 1st to the 5th—that I got it, for the first month I had been there.

Q. How much did you get that time?—A. I got \$60.

Q. You did not receive pay, then, each time you reported at the custom-house?—A. No, sir; I only got it monthly.

Q. Why, then, were you to report twice each week?—A. I have no idea.

Q. Did you report twice each week?—A. I did, I think, for the first month, and then, after that, I reported once a week. I do not recollect now. I used to go down there sometimes.

Q. What did you do when you went there twice each week? When you did not go there to get your money, for what purpose did you go, and what would happen, and with whom?—A. I would go up to the doorkeeper and ask if Mr. Herwig was in. If he said he was not, I would say, "Tell him I have been here," and I would go away.

Q. You would walk off?—A. Yes, sir.

Q. How much do you think you received altogether?—A. I think somewhere in the neighborhood of \$140 or \$150; not over that.

Q. Have you received, at any other time, from the custom-house, or any of its officers, money?—A. Never.

Q. Have you any personal knowledge of any other person than yourself during that campaign, or any other campaign, who received pay as you did—not the same amount of money, exactly, but in the same way that you did, in connection with the campaign, for campaign labor?—A. There was a good many there that were receiving it, and that said they were on the same roll that I was. I never saw them at the custom-house, but only outside.

Q. Can you give the committee any of their names?—A. There were a great many.

Q. Are you prepared now to furnish the committee with the names of any such persons?

—A. There was a man by the name of Ryan; I do not know what his first name is.

Q. Do you know his address?—A. He was then, at that time, keeping a coffee-house and boarding-house on Girard street.

Q. Do you remember any other name?—A. I think there was a man by the name of Haney.

Q. What was his given name?—A. Patrick.

Q. What was his address then or now?—A. I do not know where he is now. I have not seen him for a long time.

Q. Where did he then live, if you know?—A. I think he lived on Front street; he either lived on Front street or Common. I do not know where he lived exactly. I would not be positive about that.

Q. Do you remember any other name?—A. I do not just now; there were a good many there, and a good many that I do not know, but they told me that they were on the same kind of duty that I was. I do not know anything about it, though.

By Mr. REILLY:

Q. Was there any amount specified in the vouchers you signed?—A. No, sir.

Q. You signed them in blank?—A. Yes, sir.

Q. Did any other persons sign them at the same time that you did?—A. Not at that time. I did not see them.

Q. Did you swear to the vouchers?—A. No, sir.

By Mr. CONGER:

Q. Who first talked with you about this business?—A. Really, I do not know who. I do not recollect now who it was.

Q. Who next talked with you, if you do not recollect the first man?—A. I had just got back from Arkansas, and I talked with several of my friends, and they said they thought I could get a position.

Q. What are the names of your friends that said you could get a position?—A. I do not recollect them now.

Q. Have you forgotten your friends?—A. No, sir.

Q. Can you not remember any one of them that talked about getting you a position?—A. I talked with a good many.

Q. Give us the name of one or two.—A. Patrick Haney was one.

Q. He is the man that you said was on the roll?—A. He said he was. I do not know that he was on the roll.

Q. Was he one of the first that told you you could get a chance in there?—A. We were talking about it.

Q. Did he say then he was on the roll?—A. I do not recollect whether he said he was on or whether he was going to get on.

Q. After you had had these conversations with your friends, to whom did you go to see if you could get on?—A. I went first to a man by the name of Bray.

Q. What did Bray think about it?—A. He sent me to somebody else.

Q. To whom did he send you?—A. He told me that I lived in the fourth district, and I had better see General Sheldon.

Q. Did you go to see General Sheldon?—A. Yes, sir.

Q. What did you tell General Sheldon?—A. I do not recollect what I told him.

Q. You recollect pretty nearly what you told him, don't you?—A. I told him I wanted something to do.

Q. Did you tell him what kind of business you wanted to do?—A. I told him anything.

Q. What did General Sheldon say then?—A. He told me he would see what he could do for me.

Q. Did you tell him what kind of thing you wanted to do?—A. I told him I would work for him, which I did do.

Q. Worked how?—A. During the canvass.

Q. At what kind of work?—A. I talked and worked for him the best I could.

Q. You mean politically?—A. Yes, sir; politically.

Q. You electioneered for him?—A. Yes, sir; I electioneered for him.

Q. Did General Sheldon know you, or had he known you before that?—A. No, sir.

Q. Did you bring any recommendations with you?—A. I do not know that I did; I don't recollect whether I did or not.

Q. What did you tell the general you could do for him?—A. I do not know what I told him; I told him I would work for him.

Q. What did you tell him you could do? Did you not tell him you could be worth something to him?—A. I told him I could further his interests in the campaign.

Q. How were you going to do that?—A. I was going to do like they do up North—work.

Q. Were you going to make stump-speeches?—A. No, sir.

Q. What did you mean by saying you would talk for him?—A. I meant to talk outside, around through the town.

Q. Do you remember whether you told the general that you had had experience in that branch of politics?—A. I do not recollect now whether I did or not.

Q. Did you close a bargain with him at that time?—A. I do not think I did until the next morning.

Q. Did you give him any references?—A. I do not know that I did.

Q. Did you see him again the next morning?—A. Yes, sir.

Q. Where did you see him this first time?—A. I think at the custom-house.

Q. At what place at the custom-house?—A. I do not recollect whether it was in the hall or in the naval office. I do not recollect what place it was.

Q. But it was in one or the other?—A. I think so.

Q. Did you tell him you would come and see him the next morning, or did he ask you to come?—A. I told him I would come, I think; I don't recollect.

Q. Did you go the next morning?—A. I think I did.

Q. Where did you see him the next morning?—A. Up in the rotunda, or up in the hall; the entrance is on Canal street.

Q. Did you have an hour fixed for meeting him?—A. I don't recollect now whether I had or not.

Q. How did you come to meet him the next morning?—A. I went there to wait for him.

Q. Did you wait for him to come round?—A. I saw him talking when I came up-stairs.

Q. What did you say to the general when you got up there?—A. I do not think I said anything to him.

Q. What did he say to you?—A. He told me what I have told these other gentlemen already; he told me that he could not do any better than \$90 a month, and I was to report to Mr. Herwig twice a week.

Q. Did anybody go with you to Mr. Sheldon to get your appointment?—A. No, sir; I do not think they did, but I do not recollect about it now.

Q. Think over, and see if some friends of yours did not go with you to see Mr. Sheldon.—A. I do not know whether they did or not; I do not recollect now.

Q. Did anybody go for you—any of your family—to see Mr. Sheldon?—A. My wife did.

Q. Was that before you saw him?—A. I do not know whether it was before I saw him or after.

Q. What did Mr. Sheldon tell you he wanted you to do?—A. I do not recollect what he told me.

Q. Do you mean to tell the committee that you talked with him about getting a place to work for him around the town, and that he accepted your offer and agreed to give you so much for your services, without your understanding what your duties were to be, and without his telling you particularly where you were to work, and what you were to do?—A. I had my own district; I was to work for him during the campaign; I do not know what it was, or what was said or how it was said, or anything about it; I do not recollect; I never expected to have to testify about it. I worked for him, and that is all I can tell you.

Q. You worked to help elect him to Congress?—A. I did, but I do not know whether it amounted to anything or not.

Q. He told you to report to Mr. Herwig?—A. He did.

Q. And you did report to Mr. Herwig from time to time during those three months?—A. Yes, sir.

Q. From whom did you get your pay?—A. I do not know the man's name, but I think his name is Blache. I got it the second month, I think it was.

Q. Where did you get your pay?—A. In the next room to Mr. Casey's office.

Q. What was that room used for?—A. I do not know what for.

Q. Was it the cashier's room?—A. I do not know that.

Q. Was it where the desks are, and where they pay money out?—A. There were desks there; I know they paid out my money there.

Q. Was it a paying-counter where they paid out money, or was it a desk in the room?—A. It was a desk in the room.

Q. Was it a private room?—A. I do not know that.

Q. Who was present when money was paid to you?—A. I do not know that any one was present; I do not recollect about it.

Q. How came this man to pay you? What did you do to get your pay from him without somebody telling you to go there?—A. All the balance went there, and I went there.

Q. Did you go to some man—for instance, to Blache—and ask for pay?—A. I went in and reported, and got my money.

Q. Reported to whom?—A. I think his name was Blache.

Q. What did you tell him?—A. I do not know; I don't recollect anything about that.

Q. Did you tell him anything?—A. I do not know that I did.

Q. What do you mean then by reporting?—A. I do not know that I reported. I went there on the 1st or 5th of the month—I do not recollect when it was, when the balance went—and got my money.

Q. What did you do to get your money?—A. I was called in by the doorkeeper by my name. When my name was read out, I went in and signed the papers. I think my name was called at the door by the doorkeeper.

Q. Was it in the day-time or at night?—A. I think it was in the day-time.

Q. Are you sure?—A. I think so.

Q. And you signed a paper?—A. Yes, sir.

Q. What did you say that paper was called?—A. I do not know; I think they called it a voucher.

Q. What was the other name?—A. I think it was talked of outside as the post-roll. I think that is what they call it.

Q. Do you know what the post-roll was?—A. I do not know.

Q. Why was it called the post-roll?—A. I do not know that.

Q. Was there anybody named Post connected with it?—A. I do not know.

Q. Or was it a post-of-honor roll?—A. I do not know.

Q. Were there other names signed on the same paper that you signed?—A. Not that I saw.

Q. Each one was upon a separate paper?—A. Yes, sir.

Q. It was not on the roll with other men's names?—A. Not that I saw at all.

Q. And Mr. Herwig was the man who finally told you that your contract was ended, and you would not be needed further?—A. Yes, sir.

Q. That is the deputy collector, Felix Herwig?—A. Yes, sir.

Q. Did you ever have more than this one conversation with General Sheldon?—A. I do not recollect now whether I did or not.

Q. Did he ever ask you how you were getting along for him?—A. I do not recollect about that.

Q. Did you ever tell him how you were getting along?—A. I do not recollect that I did; I might.

Q. Did you render any service to anybody for that money?—A. I do not know about that.

Q. You promised to render some service electioneering?—A. I did.

Q. Did you render any service?—A. I tried to do it; I do not know whether it was of any service or not.

Q. Did you try to electioneer?—A. Yes, sir.

Q. Right smart?—A. A heap.

Q. But you cannot remember that you ever told the general that you did so?—A. I don't remember that I did. I might have told him a dozen times; but I do not recollect it.

Q. How many men were there on what you call the post-roll?—A. I do not know.

Q. How many did you see around you when you reported?—A. Pay-days there was a hall full. I do not know whether they were on the roll or not; they said they were.

Q. How many about?—A. One hundred and fifty. I do not know how many there were; I never counted them.

Q. Did the regular employes of the custom-house get pay the same day?—A. I do not know the regular employes of the custom-house.

Q. I mean the workmen on the building?—A. I do not know that.

Q. That is all the information you can give me?—A. I do not know anything more that I can give you about what passed between me and Mr. Sheldon. If you ask me any questions, I will answer you.

Q. What passed between you and Mr. Herwig and between you and Mr. Sheldon about the duties you were engaged to perform?—A. Nothing passed between me and Mr. Herwig until the night he discharged me.

Q. Did you ever have any conversation with Mr. Herwig?—A. The night he discharged me he had a demijohn, and we took a drink of whisky together.

Q. You took a farewell drink?—A. I did, sir; that is a fact.

Q. This was after the election?—A. Yes, sir; everything was through.

Q. Did you know how the election had gone?—A. I did not.

Q. Did you not know then whether the general was successful?—A. I did not.

Q. So that the drink was simply a friendly drink at parting?—A. Exactly so.

Q. And not an occasion of rejoicing over a victory?—A. I do not know that it was.

Q. Since that time, have you ever been engaged in these pursuits for the same remuneration?—A. I shall try to be this summer during the campaign.

Q. For whom—do you know?—A. I do not know for whom.

Q. And you have no idea, then, with whom you will take the parting drink this year?—A. I have not.

NEW ORLEANS, June 7, 1876.

FERDINAND PISICA sworn and examined.

By Mr. REILLY:

Question. Do you live in this city?—Answer. Yes, sir.

Q. What is your business?—A. Marble-cutter.

Q. State whether you were employed to work at the custom-house building here.—A. Yes, sir.

Q. When?—A. In 1873.

Q. How long did you work there?—A. I worked about eighty or ninety days in 1873, and I worked fifteen months altogether.

Q. During 1873 and 1874?—A. Yes, sir; 1873, 1874, and 1875.

Q. What wages did you receive?—A. In 1873, I received \$3.50 a day.

Q. How much in 1874?—A. \$3 a day.

Q. And how much in 1875?—A. Sometimes \$3.50, and sometimes \$3; in 1875, I staid eight or nine days at laborers' wages.

Q. Did you sign any pay-roll, or anything?—A. I made a cross.

Q. What was the cross put to?—A. To a pay-roll; it was a piece of paper; I do not understand what it was.

Q. It was like a receipt for your wages, and you signed it at the end of the month?—A. Sometimes I signed, or he called me and gave me the money; and sometimes I did not sign it.

Q. You did not even make your mark sometimes?—A. Sometimes not.

Q. Was there any amount on the paper that you signed?—A. No, sir.

Q. Was there the number of days that you worked?—A. No; he just gave me the sum of the money, and it was all right.

Q. When you saw this paper, was there the number of days you worked, and the wages you received on it?—A. No, sir.

Q. It was all blank?—A. Yes, sir; all blank.

Q. Did you see that paper afterward at any time?—A. No; I never saw it any more.

Q. Did you not see it before the grand jury?—A. Yes, sir; I saw it rolled up, but I did not examine it.

Q. And you do not know how much was filled out against your name?—A. He told me it was \$3; that it was marked \$3.

Q. But you did not see it?—A. He told me it was \$3, and that there was a great mistake in the roll, and maybe this was not the roll.

Q. Can you read and write?—A. No, sir.

By Mr. CONGER:

Q. You were cutting marble?—A. Yes, sir; in the custom-house.

Q. Carving it?—A. Carving and fluting on the columns; I carved two columns.

- Q. Were you working for Kurscheedt & Bienvenu?—A. Yes, sir.
- Q. Did they pay you?—A. In 1873, they paid me in their shop.
- Q. Did they pay you for all you worked in 1873, at their shop?—A. Yes, sir; \$3.50 a day.
- Q. And at the grand-jury room they told you it was only \$3 a day?—A. Yes, sir; they told me it was only \$3 a day.
- Q. Then you got more money than there was on the roll?—A. Yes, sir.
- Q. Who paid you in 1874?—A. They paid me in the custom-house.
- Q. Whom were you at work for then?—A. The same men. Captain Sypher employed me; he is assistant superintendent.
- Q. In 1874 you did not work for Kurscheedt & Bienvenu, then, but you worked at the custom-house under Sypher?—A. I do not know how that is.
- Q. Kurscheedt & Bienvenu had the job of cutting stone?—A. He was the boss all the time, but he did not pay me any more; I was paid up-stairs, in the office of Mr. Morse.
- Q. That is, in 1874?—A. Yes, sir.
- Q. How about 1875?—A. It was the same in 1875.
- Q. Do you remember the man's name that paid you?—A. Yes, sir.
- Q. What was it?—A. Mr. House.
- Q. Was not it Mr. Brown?—A. There are two gentlemen there; on one occasion young Mr. Bienvenu took the money, and he called me behind the desk and he said to me, "Come here, Pisica, and I will give you your money." He took the money from the paymaster, and after I was behind the desk he paid me.
- Q. Mr. Kurscheedt got the money and then he paid it to you?—A. Yes, sir; but young Mr. Bienvenu paid me only one payment.
- Q. And that was in 1875?—A. Yes, sir.
- Q. Other payments Mr. Kurscheedt paid you?—A. In 1873, yes; but not in 1874 and 1875.
- Q. Then Mr. House or somebody at Mr. Morse's paid you?—A. Yes, sir.
- Q. You got all the pay you were to have?—A. No, sir; I worked extra; I furnished my tools myself and worked ten hours a day, and he promised to pay me extra, but they never did.
- Q. Did they promise to pay you more than \$3 50 a day?—A. Yes, sir; I worked with the acid; nobody wanted to work there but me.
- Q. You were a kind of foreman?—A. Yes, sir.
- Q. The other men were at work under you?—A. Yes, sir.
- Q. And you worked ten hours a day?—A. Yes, sir.
- Q. And you ought to have more for that than if you worked eight hours?—A. Yes, sir.
- Q. Did you ever talk to Kurscheedt & Bienvenu about paying you more?—A. Sometimes I talked with the gentlemen there.
- Q. About paying you more?—A. No; he never said anything to me about it except, "Go ahead" and "by and by."

NEW ORLEANS, *June 7, 1876.*

CORNELIUS DALEY sworn and examined.

By Mr. REILLY:

- Question. Do you live in this city?—Answer. Yes, sir.
- Q. What is your business?—A. Stone-cutter.
- Q. Were you engaged in the construction of the custom-house building here?—A. Yes, sir.
- Q. At your trade?—A. Yes, sir.
- Q. When?—A. In the month of June, 1874, I commenced there, and I worked there till the month of August, 1875.
- Q. Continuously?—A. Yes, sir.
- Q. What rate of wages were you paid?—A. I was paid \$2.50 a day, with the exception of November, 1874; that month I received \$2 a day.
- Q. Did you sign any pay-rolls or anything of that kind?—A. Yes, sir; I signed three blank pay-rolls.
- Q. Do you mean three each month or three altogether?—A. Three each time I signed.
- Q. And that was each month?—A. That was each month with the exception of the month of July, 1875, when I signed it up in Mr. Morse's office; that pay-roll was made up in full; that was the time the investigation was going on in Mr. Kinsella's office, and they made it out that month for \$2.50.
- Q. Have you seen those pay-rolls since?—A. Yes; I have seen them in the grand-jury room; I only noticed one with my name, and that was not signed for \$3.
- Q. What month was that?—A. That was for the month of July, 1875; it was made out in full for \$2.50 a day.

Q. You went before the grand jury?—A. Yes; but I did not notice the months; I never saw the rolls for the year 1874, except for November.

Q. What did these pay-rolls purport to be by the writing or their heading?—A. I do not recollect the heading of them; they had a heading, I believe, stating the employés, and what wages they received, but underneath that there was no writing, only blanks.

By Mr. CONGER:

Q. Where did you generally sign the pay-rolls; at what place?—A. I signed them in Messrs. Kurscheedt & Bienvenu's store.

Q. Where did you get your pay?—A. In Messrs. Kurscheedt & Bienvenu's store.

Q. Always?—A. Always, except the month of July, 1875, when I received it in the custom-house.

Q. Who paid you there?—A. Mr. Aikman, I think it is.

Q. What was he?—A. He was the paymaster.

Q. He was the paymaster for whom?—A. For the Government.

Q. Do you mean for Colonel Morse?—A. He was the paymaster for that department; he paid up-stairs.

Q. All the other payments for all these other times that you signed the paper you got at Kurscheedt & Bienvenu's store?—A. Yes, sir.

Q. Whom did you make your bargain to work for with?—A. Mr. Hannon sent for me; I had been working on some other work, and at first I did not come; that was when they started in May, 1874, for the second time; at first I did not come, and when I came and asked him for work, he would not give me any, so I went, then, to Mr. James Hagan's marble-works; from there I came to Kurscheedt & Bienvenu's and went to work in their shop on a monument, and from there I was transferred to the custom-house.

Q. But you were still paid by them?—A. I only worked two weeks for them in the month of June.

Q. Were you at work under Hannon at Government work?—A. Yes, sir.

Q. But for that work you were paid by Kurscheedt & Bienvenu, at their store?—A. Yes, sir.

Q. For all except the last payment?—A. Yes, sir.

Q. Did you make affidavit before the grand jury about the matter?—A. I was subpoenaed before the grand jury, and I testified.

Q. Did not you make a complaint or affidavit before you were subpoenaed?—A. Yes, sir; before United States Commissioner Craig I made an affidavit.

Q. Do you remember what you swore to in that affidavit?—A. Yes, sir.

Q. What was it?—A. Mr. Hannon asked me to go up-stairs and state that I got \$3 a day; he said that to me and another young man by the name of Mr. Burke. He said he had been doing us a favor by keeping us at work there, and we would do him a favor by going up-stairs and testifying that we got \$3 a day, although he knew right well that he did not give it to us. I went up there; he had told me that the swearing up there before Mr. Kinsella did not amount to anything, so I testified the first day that I received \$3 a day, but the next day I went back and changed my testimony; that is all I testified to.

Q. How much did you swear to the second day?—A. \$2.50 a day.

Q. \$2.50 a day was the lowest figure you fixed it at?—A. Yes, sir.

Q. Did you fix it at \$3 in more than one swearing?—A. No, sir; and I only received \$2.50 a day.

Q. So it was just even; one time you swore to \$3, and one time you swore to \$2.50 a day?—A. He told me the swearing up there did not amount to anything, and I went up and changed my statement. I really got but \$2.50 a day, and there was one month, November, 1874, I received but \$2 a day. I performed mechanical work from the time I went there until I finished, but he had me down as a polisher in the year 1875.

Q. Did you do any polishing work?—A. No, sir; I never polished.

Q. Polishing is not as valuable work as cutting or carving?—A. No, sir; the rolls for the time that we first went to work I have not seen; I think the men are entitled to more pay on those rolls.

Q. Did you offer to withdraw your affidavit for \$500?—A. No, sir.

Q. For how much did you offer to do that?—A. I never offered to withdraw it at all.

Q. Not for any sum?—A. Mr. Hannon said that if I would withdraw my affidavit he might get me something to do, and I told him I could not withdraw it.

Q. Which one did he want you to withdraw, the one that you swore to at \$3, or the one you swore to at \$2.50?—A. It was the one before United States Commissioner Craig.

Q. Was it before him that you testified both ways?—A. No, sir; I testified before him for \$2.50 a day.

Q. Where was it you testified about the \$3 a day?—A. In Mr. Kinsella's office, and I corrected it in his office the next day.

By Mr. REILLY:

Q. Who is this man Hannon that you speak of as having had conversations with you?—A. He was foreman for Kurscheedt & Bienvenu, and he was acting as assistant superintendent for the work in the custom-house.

Q. Who was Kinsella, before whom you made these statements?—A. He is special agent for the Government.

Q. Was he investigating this matter?—A. Yes, sir.

Q. When was it that he told you that if you would withdraw the affidavit he would get something for you to do?—A. I believe it was in the month of January.

Q. Last year?—A. No; this year.

Q. During the months for which you signed these pay-rolls, while you were working at the custom-house, did you work at any other place during any of the time?—A. No, sir; I do not know about the first month; I only worked two months; I have never seen the pay-roll for the month of June, 1874; I worked somewhere else that month.

Q. But you signed that month just the same?—A. Yes, sir; but worked two weeks of that month at the store of Kurscheedt & Bienvenu.

Q. And that roll you have never seen since?—A. No, sir; that was the month of June, 1874.

Q. With that exception you worked all the time at the custom-house, during the time you signed these rolls?—A. Yes, sir.

By Mr. CONGER:

Q. What were you doing at the store?—A. I was cutting on a monument that they were making for Mr. Louis Sterne; I believe that is his name.

Q. That was not work for the custom-house?—A. No, sir.

NEW ORLEANS, June 7, 1876.

EDWARD BURKE sworn and examined.

By Mr. REILLY:

Question. Do you live in this city?—Answer. I do.

Q. What is your business?—A. My business is now a cotton-marker.

Q. Have you any other trade?—A. No, sir; that is my only trade.

Q. State whether or not you were employed in the construction of the custom-house building in this city.—A. Yes, sir; I was employed there.

Q. When?—A. In the latter part of November, 1874.

Q. How long did you work there?—A. I worked there about nine months.

Q. In what capacity?—A. Marble-polisher.

Q. How much were you paid?—A. I was paid \$2 a day for part of the time, and after the polishing was finished I was discharged and hired over again, and went to helping the tile-layers, and I got \$1.75 a day, and worked ten hours. Mr. Hannon told me it was contract work, and he could not pay any more; I worked about one and a half or two months at that, and then I was discharged again and taken back, and I went to work on the scaffold, pointing up the walls—that is, the cracks in the wall—with plaster of Paris, colored, and he gave me \$2 a day then.

Q. Do you include this in the nine months?—A. Yes, sir; I suppose I loafed during the time about a month; that is, I did not do anything.

Q. Did you sign any pay-rolls during the time you were working at this custom-house?—A. I always signed pay-rolls.

Q. How often?—A. Every time I got my money—every month.

Q. Have you seen these pay-rolls since?—A. I saw them before the grand jury.

Q. And recognized your signature?—A. I recognized my signature.

Q. How is your account made out on them?—A. Three dollars a day on some of them; I did not see them all; those I did see were \$3 a day.

Q. Can you remember for what months it was that you saw pay-rolls?—A. I cannot exactly remember what months they were.

Q. How many did you see?—A. I saw about three; I did not examine them very closely.

Q. Those you did see were all filled out for \$3 a day?—A. Those I did see before the grand jury were all filled out for \$3 a day, but I always signed them in blank.

Q. Did you notice whether the months you saw that were filled out at \$3 a day were months that you were paid \$3 a day, or \$1.75 a day?—A. I could not say, but the last time I was taken back there, Mr. Hannon at the desk told me, "Ned. I don't want you to say anything about this, but I am paying you \$2 a day; if you do say anything you will get me into trouble." I said that I would not say anything, and that it was all right.

Q. Did he say anything to you any time afterward about your testifying about the matter?—A. Yes, sir; the words he made use of were, "By God, I was the worst friend he had." He took me and Mr. Cornelius Daley by the arm, and allowed to us that he was always a friend of ours and would always be a friend of ours, and he wanted us to go up and swear that we got \$3 a day. I went up-stairs with Cornelius Daley, and Hannon also took a young man by the name of Louis Punicky, but he backed out as soon as he got to

the door, and said he could not swear to anything of the kind. A man by the name of Edward Mallen went ahead of us, and he swore that he got \$3 a day. I do not believe he did. Several men told me he did not. Mallen came down-stairs and asked me what kind of testimony I gave. I told him I told the truth. He asked me what that was. I told him that I had said I got \$1.75 and \$2 a day. He said, "You might just as well say \$3 as not. I did it, and you might as well have done it." I said I could not do that, because I was under oath. He said that he did not consider that any oath.

Q. Whom was this before?—A. This was before Special Agent Kinsella.

Q. What did Hannon say to you about testifying?—A. He said as much as to say that I did very wrong in doing that; that he had always been a friend of mine, and I allowed to him that I was always a friend in anything that I could be.

Q. Did he give any reason why he wanted you to testify in that way?—A. He said he did not think it would hurt anybody, but it might put him to a little trouble.

Q. Who was Hannon?—A. The foreman.

Q. Whom for?—A. Kurscheedt & Bienvenu.

Q. Did he offer you any inducements if you would not testify, or would withdraw the affidavits?—A. No, sir; he never offered me any.

Q. Or did he say he would give you work of any kind?—A. No, sir.

By Mr. CONGER:

Q. You say it was Hannon that asked you to do this?—A. Yes; he was the foreman of Kurscheedt & Bienvenu.

Q. Who paid you the money that was paid?—A. He paid me, he and the clerk in Kurscheedt & Bienvenu's store.

Q. Where were you paid?—A. I was paid in the store.

Q. Were all your payments made there?—A. No, sir; during the time that the supervising architect, Mr. Potter, was down here, we signed a roll, and were paid in the custom-house.

Q. That was for one month.—A. For one month.

Q. Did you for any other month?—A. Yes; after that. I cannot recollect what month it was, but I think, to the best of my knowledge, it was for the month of July.

Q. And this also was for July?—A. No, sir; this was for the month of February, 1875.

Q. And then, after February, you were paid another time in the custom-house?—A. Yes, sir; in July, 1875.

Q. Do you recollect who paid you the money at the office in the custom-house?—A. Mr. House was there and another gentleman, who paid me the money, but I do not recollect his name, although I knew him very well by sight.

Q. Did you sign the same kind of a voucher there as you did in Kurscheedt & Bienvenu's store?—A. The same kind, with the exception of the month of July, that roll was filled out.

Q. What was that filled out with?—A. There were, to the best of my knowledge, seven of us working on this scaffold, and we were getting \$3 a day apiece. There were two getting \$1.75, three getting \$2, and three getting \$2.50. I was one of those that were getting \$2, and Mallen was getting \$2, although he swore he got \$3. If you look at that roll, you will see that he only got \$2 a day.

Q. On that roll, that was made out when Potter was here, the blanks were filled out?—A. No, sir; that roll was not filled out; that roll was blank, but this is for the last month I worked there.

Q. Then there was one month, July, when the pay-roll was filled out in full, with what you understood you were to receive?—A. Yes, sir; and it was left on the table there for everybody to examine.

Q. At the other times when you were paid, you were paid what you understood you were to get?—A. I will tell you how it was: Mr. Hannon told me that he would give me \$2 a day; but I was not to say anything about it to anybody. When I signed the roll, there was nothing on it; it was not filled out.

Q. But you got what he said he would give you?—A. Yes, sir.

Q. Your reason for thinking that you ought to have more was because you found that the rolls were filled out for more when you saw them before the grand jury?—A. Yes, sir.

Q. And you thought you ought to have what they were filled out for?—A. Yes, sir.

Q. All you boys thought you ought to have what was charged to the Government, although you agreed for the other price?—A. We agreed to work for \$2 a day.

Q. When you found out the rolls were filled out for more, you and all the other boys thought you ought to have what they were filled out for?—A. I do not know what the other boys thought; that is my opinion.

Q. See if you can remember whether that last roll for July that was filled out, was a different kind of paper than the ones you signed in blank in any respect, except that it was filled out; were the heading and the printing the same?—A. It was the same kind of a roll except that it was filled out for the amount.

Q. And the time?—A. And the time; but in the others the amount was not on them; there was just my name, and that was all there was.

Q. Your name was at the left hand of a line, and you signed the roll right across opposite your name?—A. Right across; they always pointed out my name and said, "Ned, you sign here; this is your line."

Q. Your name would be on the left hand of the sheet, and they would run their hand across and tell you to sign it on the right hand?—A. I would not see exactly where my name was. My name was always pointed out on the line; they drew their finger right across, and they said, "Ned, you sign there."

Q. It was intended that you should sign on the same line where your name was written on the other side?—A. On the same line.

Q. Between these two names, the one that was written on that line before you signed, and the one that was written by you when you took the paper and signed it, was there anything written?—A. No, sir.

Q. It was all blank?—A. It was all blank.

Q. Was not your time on it?—A. There was nothing.

Q. Not in any one month, except the month you spoke about?—A. Except this one month of July, and four days, I believe, in August, which was also filled out two days after the testifying before Mr. Kinsella. I was discharged, while those men who swore that they got \$3 a day were continued on.

Q. Continued on by Kurscheedt & Bienvenu?—A. By Mr. Hannon, who represented them.

Q. But those that would not swear falsely were discharged?—A. They were discharged.

By Mr. REILLY:

Q. Can you give any reason why the pay-roll for this month of July, 1875, was filled out properly, and you were paid in the custom-house?—A. My only reason for it is that Mr. Hannon had heard about these things—that the men had signed a document, and brought it before a lawyer, and had placed it in a lawyer's hands, and were going to have an investigation.

Q. Was not Special Agent Kinsella investigating it at that very time?—A. He was.

Q. And did not you understand that was the reason?—A. That is what I think the reason was that it was filled out and laid before everybody to be examined. Before that you could not see the rolls; you were kept away back always, and one pay-day I was up in the office, and the clerk asked Mr. Hannon if there were any more stone-cutters; he said, "Yes; Mr. Burke." He called Mr. Burke up—that is myself—and I went up and signed the roll; but I am no stone-cutter.

NEW ORLEANS, *June 7, 1876.*

LOUIS PUNICKY sworn and examined.

By Mr. REILLY:

Question. What is your business?—Answer. Stone-cutting.

Q. You live in this city?—A. Yes, sir.

Q. State whether you were employed in the construction of the custom-house building, here in this city.—A. Yes, sir.

Q. When did you work there?—A. In 1873, 1874, 1875.

Q. What at?—A. In 1873 I was working in the rotunda, fluting the columns.

Q. At your trade?—A. Yes, sir. I think it was in June or July when I commenced work in 1873, as near as I can remember, and we stopped work about August or September until 1874, when we recommenced in the month of May. We worked until October, 1874, when we had completed fluting the columns. Then I laid around, and I commenced work again in the latter part of November and worked until 1875, I believe, in the month of June, when we had to appear before Mr. Kinsella to give our evidence there. When I was working on the rear part of the building fronting on Custom-house street, the foreman, Mr. Hannon, came up to me and took me up-stairs; I saw three men going up-stairs. When I got up-stairs Mr. Hannon said, "Will you give your evidence before Mr. Kinsella to the effect that you received \$3 a day?" I told him "No;" at the same time he went off with the other men; one named Ed. Mallen gave evidence that he got \$3 a day, but I am positive he did not get that because there was no man that was working there, with the exception of two or three of them, that got that; that was in 1874, when we were getting \$2 a day at polishing. In 1873, I was getting \$2.50 a day. Mr. Hannon asked me if I would swear that I got \$3, and I said, "No," and from that day he was angry with me, and all the men that did not swear falsely could not work there any more. I have never paid any more attention to it, and have never asked for employment from any of them.

Q. How much were you paid?—A. In 1873, \$2.50 a day, and a portion of 1874 I was paid \$2.50 a day.

Q. Did you sign any pay-rolls?—A. Yes, sir.

Q. How were they when you signed them?—A. They were blank.

Q. Did you see those pay-rolls afterward?—A. I saw them before the grand jury.

Q. Did you recognize your signature?—A. I did.

Q. How was your account then on the pay-roll?—A. My account was \$3 a day on the one I saw before the grand jury.

Q. How many pay-rolls did you see there that had this difference?—A. I saw a lot of pay-rolls, and one was handed to me, and I looked over it and saw my name on it.

Q. Do you remember what month the one you saw was for?—A. No, sir; I never paid any attention to that.

Q. You only examined one?—A. Yes, sir.

Q. But the others were all there?—A. Yes, sir.

Q. During the time that you were working on the custom-house and signed these rolls, did you work at any other place?—A. Yes, sir; I worked outside.

Q. Where?—A. I worked a portion of the time in the shop, and I worked at any buildings that way.

Q. Did you sign the pay-rolls just the same when you were doing that work as when you worked the full month at the custom-house building?—A. Yes, sir, I had to sign the pay-rolls.

Q. Always just the same?—A. Yes, sir.

Q. And you got your pay just the same?—A. Yes, sir, because there used to be men that I would see at the latter part of the month come and they would sign the rolls and go back again to the shop, and in two days after they signed we would not see these men anywhere, and the workmen would inquire about it.

By Mr. CONGER :

Q. Who hired you?—A. Mr. Hannon.

Q. Who was he?—A. The foreman of Kurscheedt & Bienvenu.

Q. Where did you sign your pay-rolls?—A. I signed them in the shop sometimes, and sometimes I signed them in the custom-house.

Q. Where did you get your pay?—A. At Kurscheedt & Bienvenu's.

Q. At their store?—A. Yes, sir.

Q. They always paid you?—A. Yes, sir.

Q. When you signed the rolls at the custom-house, did you sign them for Hannon?—A. Yes, sir; we signed the pay-roll, but how many times we did that, I do not remember; but I know that the largest portion of the time we signed them in the shop.

Q. You were hired by Hannon, who was the foreman of Kurscheedt & Bienvenu, and Kurscheedt & Bienvenu paid you?—A. Yes, sir.

Q. Did they pay you all the payments you received?—A. Yes, sir; they paid me all my payments.

Q. Did they pay you as much as they agreed to pay you?—A. They paid me according to what the others were getting.

Q. Did they pay you, as you understood then, from month to month, what you ought to have?—A. Yes, sir.

Q. But you afterward found out that they filled out those pay-rolls with more pay?—A. Yes, sir; that is it exactly.

Q. And it was then that you thought you ought to get more pay?—A. Yes, sir.

Q. If you had not found that these pay-rolls had been filled up at a higher rate of pay you would not have expected more compensation now?—A. No, sir; I have asked for more wages, and he said, "If that don't suit you, you can quit." George Murphy said he would not work for any such wages. I said to him, "The day may arrive when we will get our wages. We are blind; we cannot see." I met him at the corner of Magazine and Canal streets, and I said to him, "George, we will have to testify before Mr. Kinsella." He said, "I am going to tell the truth." When he came up there he said to me he got \$2 a day, and when I spoke to him again he said he got \$2.75 a day.

Q. Mr. Kinsella was trying to find out what the truth was about this?—A. I suppose so.

Q. There were different men called before him to testify about this matter?—A. Yes, sir.

Q. When was this?—A. That was in the month of July, 1875; I am telling you now as near as I can remember.

Q. After that month, and after you had declined to swear as this man wanted you to, did they discharge you?—A. They made a bitter face at me, and this Hannon assaulted me and abused me one day in Lafayette Square; I had been with my lawyer, Mr. Gibson, and he (Hannon) said I was his most bitter enemy, and wanted to fight me; I wanted to make no disturbance, and so I walked off.

Q. At that time you had commenced proceedings?—A. Yes, sir; I never stated anything against them; he has had a hard feeling against me ever since.

Q. Did you bring suit to get this extra pay?—A. I have heard that the Government were paying more wages, but Kurscheedt and Bienvenu always stated this was contract work; we worked ten hours instead of eight in 1873, and during a portion of 1874.

Q. Those men who did not work at contract work, worked the Government hours, which were only eight hours a day, didn't they?—A. Yes, sir.

Q. And you were working ten hours?—A. Ten hours in 1873 and 1874.

Q. And the men who were working at Government work, and not for contractors, when they worked more than eight hours, got paid extra?—A. I know they knocked off every evening at four o'clock, while we worked until six.

Q. And that made you think that you were working at contract work?—A. Yes, sir; we worked a portion of 1874, and during the year 1875, until four o'clock, only eight hours work, but when we were through with the tiling of the hall, we worked from ten to six; they stated to us, that was contract work also.

Q. So when they told you it was contract work, you had to work as long as they told you to?—A. Yes, sir.

Q. But when you were at work for the Government directly, you only worked eight hours?—A. Yes, sir.

Q. So that you really got less pay when you were working ten hours, than other men doing the same work received for eight hours?—A. No, sir; when I worked ten hours a day I got \$2.50, and when I worked eight hours I got \$2.

Q. Kurscheedt & Bienvenu, or Hannon, their foreman, told you that you were working on contract work?—A. Yes, sir.

Q. And that they had to pay you?—A. Yes, sir.

Q. And that that was the reason why they required you to work ten hours?—A. Yes, sir.

Q. And if you would not work ten hours, they said you could work for somebody else?—A. Yes, sir; the Government furnished us tools, while workmen on the scaffold had to furnish their own tools.

Q. Did you furnish your own tools?—A. Yes, sir.

Q. If you had been at work directly for the Government, would they have furnished you with tools?—A. Generally, the Government furnishes tools, but sometimes they do not.

Q. The stone-cutters use a good many chisels that need sharpening?—A. Yes, sir.

Q. Who sharpened your tools?—A. The Government sharpened them.

Q. In some of that stone-cutting, there is a good deal of expense incurred in keeping your tools in order, is there not?—A. They had a blacksmith and it was as much as he could do to keep us in tools.

Q. Suppose a man is working with a kind of tools that require to be kept in the nicest order, does it cost considerable to keep them in order?—A. Yes.

Q. How much?—A. It depends on the tools. There are tools that they charge 5, 10, and 15 cents apiece for, and a man has to sharpen them himself.

Q. How often do you have to sharpen them?—A. Once or twice a month.

Q. In facing granite and that kind of work, the tools require more sharpening than in ordinary work?—A. In a line of granite, the granite-cutter never furnishes his own tools; the boss always furnishes them.

Q. That is because it costs considerable to furnish tools for such work?—A. Yes, sir; that requires considerable money.

Q. Suppose you were at work in granite and did not furnish your tools yourself, while another man sharpened his own tools, what difference would there be?—A. I could not tell you because I never saw a granite-cutter that did sharpen his own tools.

Q. Would it be a shilling a day?—A. It is more expensive than with marble-cutters. I know granite-cutters use a good many tools.

Q. What is reckoned to be a fair expense to a marble-cutter of keeping his tools in repair and replacing them when they get worn?—A. We have to pay from \$2.50 to \$5 a dozen for our tools.

Q. About how long would that set last?—A. A couple of years sometimes.

Q. And how much would it cost to keep them in repair per month?—A. Something like \$2, \$1.50, or \$3 for about a month.

Q. That is for marble-cutting?—A. Yes, sir.

Q. And for a man working in granite it would cost considerable more?—A. It is from 5 to 10 cents apiece for granite-cutters.

Q. You have worked in the shop?—A. Yes, sir.

Q. Did you, when you were under Mr. Hannon, have to have a shop to work in?—A. Yes, sir; Messrs. Kurscheedt & Bienvenu's.

Q. Who furnished the shop?—A. They have a shop of their own.

Q. Is anything deducted from a man's wages where he is furnished tools and a shop to work in?—A. No, sir; the bosses generally sharpen the tools.

NEW ORLEANS, June 7, 1876.

AMBROSE FLETCHINGER sworn and examined.

By Mr. REILLY:

Question. You live in this city?—Answer. Yes, sir.

Q. What is your business?—A. Stone-cutting.

- Q. You were engaged at the custom-house building here?—A. Yes, sir.
 Q. At your trade?—A. Yes, sir.
 Q. When?—A. In 1874.
 Q. How long did you work there?—A. I did not work long there. I cannot tell you exactly whether I was working a month or a little over. It was about a month.
 Q. How much were you paid?—A. \$2.75 a day.
 Q. Did you sign any pay-rolls?—A. Yes, sir.
 Q. How often?—A. Once or twice. Twice I got paid, and I had to sign my name twice to three sheets of paper.
 Q. Did you see those pay-rolls afterward?—A. No, sir; I did not see them at all.
 Q. Did you not see them before the grand jury?—A. No, sir.
 Q. You were at work on the custom-house during the two months that you signed these pay-rolls twice?—A. They paid every two weeks.
 Q. Did they pay in that way at that time?—A. Yes, sir.
 Q. When you signed the pay-rolls twice did you sign them two weeks apart?—A. Yes, sir.
 Q. Was your time made up on them when you signed?—A. I did not notice. I only just signed my name there.
 Q. Was anything written on the paper when you signed your name?—A. It was all full of names.
 Q. Was there any amount of wages or the number of days?—A. I could not tell that.
 Q. Can you read and write?—A. Yes, sir; I can write. I can read, not so very well in English, but I can write very good and read, too, pretty good in German.

By Mr. CONGER:

- Q. Who hired you to work?—A. Mr. Hannon.
 Q. And who paid you?—A. I got paid in Kurscheedt & Bienvenu's shop.
 Q. All the pay each time?—A. Yes, sir.
 Q. Did you sign the roll there?—A. Yes, sir.
 Q. What year did you work there?—A. 1874.
 Q. When you signed this did you write your name?—A. Yes, sir; I wrote my name down on three sheets.
 Q. Do you write English?—A. Yes, sir, in English. Everybody could read it.
 Q. Do you know how you came to sign your name every two weeks? Did they all sign their names every two weeks?—A. Yes, sir.
 Q. Were you paid at the end of every two weeks or only once a month?—A. Every two weeks.
 Q. Did all the other men get paid every two weeks?—A. I cannot tell that.
 Q. Did you see them come to get paid?—A. Some of them.
 Q. You never were paid at the custom-house?—A. No, sir.
 Q. What did you work at?—A. I was working on those columns.
 Q. On things that were going into the custom-house?—A. Yes, sir.
 Q. Marble work?—A. Yes, sir.
 Q. You got such pay as you agreed to?—A. Yes, sir.
 Q. They paid you just what you agreed to work for?—A. Yes, sir.

NEW ORLEANS, June 7, 1876.

THOMAS FULHAM sworn and examined.

By Mr. REILLY:

- Question. Do you live in this city?—Answer. Yes, sir.
 Q. What is your business or trade?—A. I am working at the carpentering business.
 Q. Were you ever employed on any of the Government buildings?—A. Yes, sir; I worked there about a month at the custom-house.
 Q. When was that?—A. It was in November, 1874, about the 25th or 27th.
 Q. How much were you paid?—A. One dollar and seventy-five cents a day.
 Q. Did you sign pay-rolls or anything of that kind?—A. Yes, sir.
 Q. How much were they; was your account made up?—A. No, sir; I believe that they were blank.
 Q. Did you see the pay-rolls afterward?—A. Yes, sir; I saw them in the custom-house afterward.
 Q. Did you see your name then?—A. Yes, sir.
 Q. How was it?—A. My account was right.
 Q. There was \$1.75 down for you?—A. Yes, sir.
 Q. Were you employed by the Government at any other time in any other capacity?—A. No, sir.
 Q. That is the only work you ever did?—A. That is the only work I did.

By Mr. CONGER:

- Q. Who paid you?—A. I was paid in the custom-house.
 Q. You were at work directly for the custom-house officers?—A. Yes, sir.
 Q. You did not work for Kurscheedt & Bienvenu?—A. No, sir.
 Q. And you found your account filled out all right for just the amount you received?—A. Yes, sir.

By Mr. REILLY:

- Q. Who employed you?—A. This man by the name of Hannon.
 Q. How did you happen to see these rolls in the custom-house?—A. I went up there one day with a young man named Toal; he and I worked on the same column.
 Q. What were you working at?—A. I was doing the same as all the other men.
 Q. What was that?—A. Polishing.
 Q. You were not working at your trade as a carpenter?—A. No, sir.
 Q. Has anybody said anything to you as to how you should testify in this matter?—A. No, sir.
 Q. Nobody has said anything to you on the subject?—A. No, sir.
 Q. How did you happen to see these pay-rolls in the custom-house?—A. I went up there one day with this young man named Toal; he said he had got a subpoena from the grand jury, and he thought I had one, too, and I went up with him to see if I had.
 Q. Where was it in the custom-house you saw it?—A. In some office.
 Q. It was not in the grand-jury room?—A. No, sir.
 Q. Was it in Mr. Kinsella's office?—A. I do not know what office it was in.
 Q. Who had them there?—A. Some man had them there.
 Q. Did you hear who he was?—A. I heard he was a marshal.
 Q. Was he not a special agent?—A. I believe so.
 Q. Did you hear his name was Kinsella?—A. No, sir; I did not hear his name.
 Q. Did you have a talk with anybody before you went up-stairs?—A. I had a talk with this young man.
 Q. And with anybody else?—A. No, sir; that is all.
 Q. Did you see Hannon that day?—A. No, sir; I did not.
 Q. Or the day before?—A. No, sir.
 Q. Had you been subpoenaed to go there?—A. No, sir.
 Q. You only went because this man Toal said he was subpoenaed?—A. Yes.

NEW ORLEANS, June 7, 1876.

PATRICK QUINN sworn and examined.

By Mr. REILLY:

- Question. Were you employed at the custom-house building here in this city?—Answer. Yes, sir.
 Q. When?—A. It was about the middle of October I went there; I made twelve days in October.
 Q. What year was that?—A. In 1874.
 Q. Did you work there at any other time?—A. No, sir.
 Q. Did you only work twelve days there altogether?—A. That is all in October; I made four months afterward.
 Q. How much were you paid?—A. \$1.75 a day.
 Q. Did you sign any pay-rolls while you were working there?—A. Yes, sir.
 Q. State how they were when you signed them, and whether they were or not filled out with the amounts and the number of days you worked.—A. No, sir; they were not.
 Q. Were they blank?—A. Yes, sir.
 Q. Did you see these pay-rolls afterward?—A. I have not seen them from that time until I saw them here, when we were examined before the grand jury.
 Q. Did you see your name then?—A. Yes, sir.
 Q. It was where you had signed it?—A. Yes, sir.
 Q. You recognized your handwriting?—A. Yes, sir; I can swear to it.
 Q. How was your account then; did you notice whether your account was filled out?—A. I saw that the figures were not there, when I signed before.
 Q. What figures were there opposite your name?—A. I don't remember what was the pay.
 Q. Didn't you notice how much it was a day?—A. No, sir.
 Q. Your attention was not called to that?—A. I saw the figures, and I know they were not there when I signed it; that is all I know about it.
 Q. Were they at the same rate you were paid, \$1.75 a day?—A. I could not swear to that; I saw the figures there, but I did not see what they meant. I did not look at that.

Q. Nobody called your attention to the figures and asked you how much you were to pay?—A. No, sir; he asked me what I was paid and I told him that I was paid \$1.75 a day.

Q. You did not examine the pay-roll to see how much was on that?—A. All I examined was my handwriting, and I saw that the figures were not there when I signed it; I saw one sheet when I signed; that was all I ever remarked; the figures were put on after I signed it.

Q. Has anybody said anything to you about your being a witness here?—A. No, sir.

Q. Or about your being a witness before the grand jury?—A. No, sir.

By Mr. CONGER:

Q. Who hired you?—A. Mr. HALLON.

Q. Who was he?—A. He acted in the building as foreman over the men.

Q. Who paid you?—A. We were paid up stairs in Mr. Morse's office.

Q. Each time?—A. Yes, sir.

Q. Did you sign there?—A. Yes; in Mr. Morse's office.

Q. You did not sign at Kurscheedt & Bienvenu's office?—A. No, sir; at no time.

Q. You were not working for them?—A. No, sir.

Q. You were working directly for the Government?—A. Yes, sir.

Q. Under Mr. Morse?—A. Yes, sir.

Q. And Mr. Morse paid you up in his office?—A. Yes, sir; that is where we were paid.

Q. Did you not look on this roll to see whether it was filled out?—A. Yes, after the first pay-roll, when I saw what money I got.

Q. Did you find it was filled out with what you got?—A. The next one I wanted to examine to see if we were to be paid more wages or not; I was not contented to polish, and rub for \$1.75 a day; we had a dispute about it, and some of the men allowed to me to hold on until we got through, and then we would get our pay.

Q. Who told you that; did any of the Government officers tell you you would get any more?—A. No, sir; it was the hands working around; I made an objection to the pay, and was going back with my money, and one of them said, "Wait, and when you get through, you will get your back-pay."

Q. How much did they agree to pay you?—A. There was no bargain at all.

Q. At the end of the twelve days, when you were paid at the rate of \$1.75 a day, did you say to the officers that that was not enough?—A. No, sir; I returned to pay my money back, and to ask them if that was all they paid, when a man told me to keep quiet and I would get more.

Q. Would you know this man?—A. He was one of the laboring men.

Q. Was he a man, like you, at work on the custom-house?—A. Yes, sir.

Q. And he said, "Wait and you will get more?"—A. Yes; he said, "Wait, and we will get our pay." When the next pay-day came, and I wanted to sign my pay-roll, there was no figures there; there was a sheet run across to keep it clean.

Q. Had it several names on it?—A. Certainly.

Q. And you signed across where your name was?—A. I signed where my name was.

Q. Did you get your money just when you signed it or directly afterward?—A. No, sir.

Q. When did you get your money?—A. I could not remember; it was a few days after; I might say three or four days.

Q. Was that the case all the while?—A. Yes; we never got our money sooner; the last pay I got, I did not get for two weeks, I believe.

Q. But all the other times you went up and signed the pay-roll and then a few days after you got your money?—A. I believe most of the time we got it not more than four days afterward.

Q. You do not remember getting any money the same day you signed it?—A. No, sir.

By the CHAIRMAN:

Q. Some of these pay-rolls were filled out when you signed and some were not?—A. Yes, sir; there was one filled out, I believe; that was the third month I was there. I am not exactly sure whether it was the last month but one or not, but I remarked that one more than any of the rest, and I told the boys about it; I said to them, "What kind of roll did you sign?" I believe I asked all the boys, and they said the same that I did.

By Mr. CONGER:

Q. Do you remember whether that was in July?—A. That was in January, to the best of my belief.

Q. Was that the last one you signed?—A. No, sir; February was the last one.

Q. Were these pay-rolls filled up every month that you signed?—A. I never saw but the one filled up. I told a few of the boys; it was on the right-hand side that this was all figured down to the bottom, and it run right across the sheet, which was two feet long or more, to the best of my opinion.

Q. That roll was all filled up with the figures at the time?—A. Yes.

Q. Was it filled up according to what you were paid?—A. I could not swear to that, because I did not look.

Q. Didn't you look to see when you signed it?—A. No, sir; I could not understand the heading.

Q. Were the figures before your name filled out right?—A. I could not understand what the figures were there for; I could not swear about it.

NEW ORLEANS, June 8, 1876.

THOMAS J. KINSELLA recalled.

By Mr. NEW :

Question. You may proceed to make any further statement you desire.—Answer. I was called on yesterday for certain names and dates of certain transactions which I could not give without getting my memoranda. I stated that there were 500 barrels of whisky and 450 packages of tobacco shipped by the schooner Harkaway to Matamoras, and that those goods were taken out of an internal-revenue bonded warehouse for the purpose of evading the internal-revenue tax. The tax on that lot was \$37,637.80. I also stated that there were 815 barrels of whisky and 280 packages of tobacco shipped on the schooner Greenland to Belize. The tax on that lot was \$64,814.04. I also stated that there were 475 barrels of whisky shipped to Matamoras per schooner Greenland. The tax on that was \$36,445. I stated that actual shipments on board those vessels were made under the superintendence of a custom-house inspector, Mr. G. B. Dyche, and that on calling on Mr. Dyche he gave me a statement of those transactions so far as he was concerned; which statement I have in my hand and is as follows:

"I, G. B. Dyche, of the city of New Orleans, State of Louisiana, do hereby certify that I have been an inspector of customs of the port of New Orleans from some time in the year 1866 up to the fall of the year 1868; that I was appointed by W. P. Kellogg, collector of said port; that 815 barrels of whisky, marked 'S. C. & Co.' and 280 half boxes of tobacco, marked 'various,' which I have certified as having been laden under my supervision on board schooner Greenland, on the 6th day of February, 1867, for exportation from the port of New Orleans to Belize, in British Honduras, were not shipped on board of said vessel as certified to by me on the back of the exportation-entries executed by J. H. Cohen for said whisky and tobacco; that my said certificates as to the lading of the same on said schooner are incorrect and false in every particular; that when I signed the said certificates, I knew the same to be incorrect and false, and said goods were never actually shipped for exportation as aforesaid; that, previous to my signing said certificates, General Benton, who was then collector of internal revenue at the city of New Orleans, and J. M. Sutherland, who was a member of the firm of Sutherland, Calloway & Co., doing business at said city, came to me and stated that they were about making an ostensible exportation of said whisky and tobacco to Belize, British Honduras; that it was not intended, however, that said goods were to be exported, but that I should certify in the usual form as to the lading of the same for exportation. They told me it was all right; that they had been to see W. P. Kellogg, collector of said port of New Orleans, and that they had made arrangements with him for the purpose of carrying out this transaction, and that the whole matter was fully understood by him; that said whisky and tobacco were then stored in the internal-revenue bonded warehouse No. 1, in said city of New Orleans, and were subject to the payment of internal-revenue taxes; that, in accordance with the request of said General Benton and Sutherland, I certified to the lading of said whisky and tobacco on board the schooner Greenland as aforesaid, but the same or any part thereof had not been shipped on said schooner Greenland. I further certify that 100 barrels of whisky, marked 'G. D. & Co.,' and 400 barrels of whisky, marked 'C.,' and 450 half-boxes of tobacco marked "various," which I have certified as having been laden under my supervision on board the schooner Harkaway, on the 20th of February, 1867, for exportation from the port of New Orleans to Matamoras, Mexico, were not shipped on board of said vessel as certified to by me on the back of said exportation-entries for said whisky and tobacco; that my said certificates as to the lading of the same on said schooner are incorrect and false in every particular, and that when I signed said certificates I knew the same to be incorrect and false; and that said goods were never actually shipped for exportation as aforesaid. That, previous to my signing said certificates, said Benton and Sutherland stated to me that they were about making an ostensible exportation of said whisky and tobacco to Matamoras; that it was not intended, however, that said goods were to be exported, but that I should certify in the usual form as to the lading of the same for exportation. They further stated to me that it was all right; that they had been to see Collector Kellogg, and had made arrangements with him for the purpose of carrying out this transaction, and that the matter was fully understood between them and Kellogg; that said whisky and tobacco

were represented to me as being then stored in said bonded warehouse No. 1, and that said goods were subject to internal-revenue tax. From the frequent visits that I have seen Benton and Sutherland make to Kellogg in his office, about the time that these transactions were taking place, and from the fact that they had repeatedly told me that they had arranged everything with Kellogg, I was perfectly satisfied that Kellogg, Benton, and Sutherland were acting together in these transactions, namely, the Greenland and Harkaway transactions. Before the Harkaway transaction was completed, to wit, the 500 barrels of whisky and 450 half-boxes of tobacco last referred to, General Benton became seriously ill without executing certain papers that were to be executed by him. I then went to see Collector Kellogg, and stated to him that Benton was sick and had not executed said papers. I asked Kellogg for instructions as to what I should do. He stated to me that he was very sorry for Benton; that he was as good-hearted a man as ever lived, and that he (Kellogg) had participated in those transactions for the purpose of helping Benton along. From his manner, conversation, and gesture I understood him to say that I was to sign the lading-certificates for the exportation of these shipments as I had done in the other case. So understanding him, I signed said certificates; otherwise, I should not have signed said certificates. This statement is made confidentially, and with a condition that nothing herein contained will ever be used to my detriment. I further certify that 200 barrels of whisky, marked 'F. & Co.,' and 200 barrels, marked 'J. C. F. & Co.,' and 75 barrels of whisky, marked 'S. C. & Co.,' which I have certified as having been laden under my supervision on board schooner Greenland, on the 13th of June, 1867, for exportation from New Orleans to Matamoras, Mexico, were not shipped on board said vessel as certified to by me on the back of the exportation-entries for the same executed by Jno. C. Forbes, and that my said certificates were incorrect and false, as in the other case hereinbefore specified. Benton and Sutherland both stated to me that I would be protected and rewarded for my services in signing these fraudulent lading-certificates.

"GEORGE B. DYCHE."

I will state that the certificates required for the cancellation of those exportation-bonds consisted of a certificate signed by the consignee at the port of destination, an affidavit attached to it by the master and mate of the vessel, and a certificate from the United States consul at that port. I presented to Mr. N. B. Marshall, who at the time of these transactions was consul at Matamoras, two of his certificates which were issued for the cancellation of the bonds given for the shipment at Matamoras. Mr. Marshall was then out of office and after some search I found him in Bryan, Ohio. I presented those certificates to him and he pronounced them forgeries. I asked him if he would give me his affidavit that they were forgeries. He said he would, and his affidavit is as follows:

"I, N. B. Marshall, formerly of Anderson, Ind., and now of Bryan, Ohio, do solemnly swear as follows: That, during the year 1867, I was United States consul at Matamoras, in Mexico; that I have this day, October 25, 1870, inspected and examined three certain documents presented to me by Special Agent Kinsella, one of which purports to be a landing-certificate for 500 barrels of whisky, purported to have been landed at Matamoras from on board the schooner Harkaway, from New Orleans; one other of which purports to be a landing-certificate for 450 boxes of tobacco purported to have been landed at the same place from same vessel, all in March or April, 1867; one other of which purports to be a landing-certificate for 475 barrels of whisky purported to have been landed at same place from schooner Greenland, from New Orleans, in June, 1867; that all signatures to said three documents or certificates, which purport to be my signatures, are not my signatures, but are counterfeits of my signature. That said merchandise has never to my knowledge been landed at Matamoras, and that said certificates are forgeries.

"N. B. MARSHALL."

When I presented those certificates to Mr. Marshall, I observed that he pronounced them forgeries before he had time to examine them. When he signed the affidavit, I imagined that he tried to change his handwriting. From those two circumstances I became under the impression that the affidavit which I have read was false. I took the affidavit to the State Department in Washington, together with those landing-certificates. I had the experts in the Department compare his signature on the landing-certificates with his signatures on file in the State Department, and they pronounced the signatures on the landing-certificates to be genuine, which confirmed me in my opinion that his affidavit was false.

Q. Were these landing-certificates for these very cargoes you are now speaking of?—
A. Yes, sir; for these two cargoes to Matamoras, but not for the shipment to Belize. For that shipment to Belize the landing-certificates were signed by Mr. Prind'e, United States consular agent. The shipments to Belize are covered by exportation-bonds Nos. 12 to 21, March 1, 1867, J. H. Cohen principal, and J. M. Sutherland, John T. Johnson, J. F. Calloway sureties. In a memorandum on the upper left-hand corner of

each bond, I find marked in pencil "certificate on file," certificate meaning landing-certificate with "S. A. S., D. C., March 5, 1868."

Q. Is that a memorandum of the bond?—A. This is a memorandum of what is on the bond. S. A. S. means S. A. Stockdale, who was then deputy collector, and from which it appeared that the landing-certificates for canceling those bonds came into his possession on the 5th March, 1868. The bonds, however, were not then canceled.

Q. In whose handwriting were those memoranda on the bond?—A. That I cannot say. On further investigation of the matter, I found that the bond was canceled the following November. An affidavit of William C. Gray says: "I do solemnly swear as follows: That, in November, 1868, I was special deputy collector of customs at the port of New Orleans; that, in November, 1868, William P. Kellogg, former collector of customs at that port, came to my desk and gave me a landing-certificate, verified by A. C. Prindle, acting vice-commercial agent of the United States at Belize, which said certificate purported to certify to the landing at Belize of 815 barrels of whisky and 280 boxes of tobacco, between the 24th and 27th of April, 1867, on the schooner Greenland, from New Orleans; that said Kellogg then and there requested me to cancel the bonds covered by said certificate; that, in compliance with said request, I ordered the canceling of export-bonds Nos. 12 to 21, executed March 1, 1867, by J. H. Cohen as principal, for the exportation of said whisky and tobacco to Belize, per Greenland; that a memorandum on the upper left-hand corner of said bonds shows that the said landing-certificate was in possession of S. A. Stockdale on the 5th of March, 1868; but said bonds were not canceled until the following November, when I ordered their cancellation at the request of Kellogg, as before stated.

"WILLIAM C. GRAY."

The bonds for the exportation of the 500 barrels of whisky and the 450 half-boxes of tobacco, per Harkaway to Matamoras, are Nos. 2, 3, 4, 5, 6, and 7; 4, 5, 6, and 7 are dated February 16, 1867. J. H. Cohen, principal; J. M. Sutherland, J. F. Calloway, sureties. Bonds 2 and 5 are dated February 15, 1867, E. A. Banks, principal; W. H. Harmon and J. M. Sutherland, sureties.

Q. I asked you yesterday about the bonds which were in the possession of Powers.—A. Those bonds in his possession were dated in January, 1868. Erastus H. Harris was principal. I could not give you the names of the sureties for this reason—that I saw the bonds here first. I had no means of taking notes from them so as to get the data. When I surrendered the bonds in Washington I made a report there giving all the data. I presume I did not have my letter-book with me, and so I do not find any copy of the letter. Erastus H. Harris was the principal; I cannot recollect the names of the sureties. My report on file, I presume, will show the sureties, and the bonds themselves will show them.

By Mr. NEW:

Q. Where did Harris reside?—A. He used to reside here. He is of the firm of James Connolly & Co.

Q. Do you know whether suits have ever been instituted on those bonds?—A. I put those 16 bonds into the hands of the district attorney here, and none of the parties were to be found. They remained some time in his hands; but none of the parties could be found here. I learned that J. M. Sutherland kept a bank in Greenville, Alabama, and I took the bonds over to the district attorney in Montgomery and gave him all the information connected with the transactions, to put them in suit; but I have never obtained any information from him as to what he has done. I have written to him, but Mr. Sutherland became bankrupt. I do not consider that a single dollar can be made out of all the bonds.

Q. Are you now speaking of the bonds that were in the hands of Powers?—A. No, sir.

Q. Do you know whether suits have ever been brought on the Powers bonds?—A. I do not know that there have. I think that there are suits pending in New York—at least, this is what I have been informed—against some of the parties who were interested in this whisky, and that the absence of the bonds was the cause of some difficulty in the prosecution of those suits.

Q. Were those suits, as you understand it, instituted in New York before or after these bonds had been sent to Washington?—A. Before.

Q. Do you know what has become of those suits?—A. That I do not know. I never had anything to do with those suits, and I surrendered the bonds and never inquired since what has become of them.

Q. You do not know, then, that any action has ever been brought on those bonds?—A. They may have been used in those suits pending there.

Q. But you do not know whether they were or not?—A. No, sir; my mission was ended when I surrendered them.

Q. What has been done with or about them, if you know anything about it?—A. I do not know at all.

By Mr. REILLY :

Q. Did you explain to us why these bonds were given that Powers had ?—A. I stated that the bonds were given for the transportation of 1,824 barrels of whisky, some to Lavaca, some to Indianola, some to Brownsville, and some to Corpus Christi.

Q. Who was this E. H. Harris that was principal on this bond ; what was his business at that time ?—A. I understand that he was a partner or a member of the firm of James Connolly & Co.

Q. What was their business ?—A. I think they were engaged in the whisky business, but they may have been engaged in other business.

Q. You don't know where Harris is now ?—A. No, sir ; I do not.

Q. You do not know whether he is in the city ?—A. No, sir.

Q. Do you know a firm here by the name of Dubruille & Harris ?—A. No, sir.

Q. Do you know a firm here by the name of Bidwell & Harris ?—A. No, sir.

Q. You did learn at the time you got possession of those bonds who the sureties were ?—A. I saw the names on the papers.

Q. You cannot now remember them, however ?—A. I cannot now remember them, as I have not a copy of my report that I made in Washington, and not having my letter-book with me ; I presume I took no copy of the letter.

Q. I understood you to say that you had heard that these papers or bonds that Powers had implicated some prominent individuals ?—A. That is what I heard.

Q. Who is the individual that you heard would be implicated or involved by them ?—A. I did not name the party because I was not asked it yesterday.

Q. Well, I ask you it now.—A. Then I will begin to tell the whole story. The party's name was Mr. Kellogg.

By Mr. STEVENSON :

Q. What Kellogg do you refer to ?—A. The present governor. But when I saw the papers I did not see Mr. Kellogg's name attached to them in any shape or form. I said to Powers something like this : " You said those papers were going to involve Mr. Kellogg, and he has nothing to do with those." He said, " If you arrest Harris and squeeze him he will squeal."

By Mr. REILLY :

Q. Were there any other papers except bonds that Powers had ?—A. That is all I saw.

Q. When you use that term " those papers " you mean those bonds ?—A. Yes, sir.

Q. Why were you so solicitous to get these bonds, trying for two years to get them ?—A. I supposed that the Government should have them. I supposed there was some fraud connected with them, and, if I possibly could get them, I thought it was my duty to get them.

Q. You were actuated only by a sense of duty in any effort you made ?—A. That is all.

Q. Could not you have prosecuted this man Powers ?—A. I reported all the facts to the Department very soon after I saw those bonds.

Q. Was there any danger or apprehension that Powers could have made any use of those bonds ?—A. I did not see what use he could make of them, except what I stated yesterday.

Q. That is, he could use them by raising money on them ?—A. By holding them over the heads of the parties interested and getting money for them. I do not know that he ever did so.

Q. What was the amount of those bonds ?—A. I think it was a fraction of a dollar over \$134,000.

Q. How many of those were there ?—A. Four of them.

Q. Were there any proceedings ever instituted on those bonds after you returned them to the Department at Washington, if you know ?—A. I know nothing further of them.

Q. Your information ends there ?—A. My information and mission ends there.

Q. Does the discharge of your business give you an opportunity of being pretty familiar with the business of the port here ?—A. Yes, sir.

Q. You have a knowledge of every shipment that comes into port ?—A. No, sir ; I am very frequently absent from here.

Q. Can you state who are the heaviest importers in this city ?—A. Holmes & Co. ; Anderson & Simpson ; L. B. Cain ; C. A. Whitney ; Morgan & Co. ; Smith & Tyler, and several others.

Q. Who are the heaviest importers in cigars and tobacco ?—A. I think Gonzales Brothers & Henschein are.

Q. Does Masich import pretty heavily ?—A. I do not think Masich has imported any within two years ; Domingo imports some.

Q. In regard to the warehouse system, how many warehouses are there here ?—A. I have a list of them in my office, giving the location.

Q. How many are there?—A. I suppose about eight or nine at present.

Q. Are they all known as general-order stores?—A. No, sir.

Q. How many of them are known as such?—A. At present, three.

Q. What are their numbers or how are they designated?—A. There is the importers' warehouse; that is No. 4. There is Thiel's warehouse; that is No. 6. There is Whitney's warehouse, which is class 3. The custom-house is used for general order, for some goods. There were two more warehouses up to some time ago.

Q. Who is the proprietor of No. 6?—A. Mr. Thiel.

Q. Do you know what amount of bonds he has given?—A. I think \$50,000.

Q. Do you know who is upon that bond?—A. There is a man by the name of Pickels and a foundery-man up-town.

Q. What is his name?—A. I cannot recall his name; I have the list of the sureties in my office.

Q. Do you know anything about the number of permits or orders that are given for goods for No. 6, as compared with any of the other warehouses in the city?—A. I think there are more to No. 6.

Q. Do you know why that is so, or why it should be so?—A. When the importers make their warehouse-entries they have the right to designate on the entries the warehouse they wish the goods sent to; and it is their own choice where to send them. If the goods go on general order, the collector sends the general order.

Q. And that is the reason why more orders are given to No. 6, because that is the only general-order warehouse?—A. No; there are several other general-order warehouses. I say that I suppose there are more permits sent to No. 6 than to any other warehouse.

Q. But why should that be so?—A. I have given one reason—that the importers have the right to designate on the entry what warehouse they will send their goods to.

Q. Do they designate No. 6?—A. They designate No. 6 upon their entry. Now, then, the running of a warehouse is like any other business. If the proprietor of that warehouse knocks around among the importers and solicits their custom and gets their favor, the result is the same as in any other competitive business. No. 6 is rather centrally located, and it is a very good building. No. 4 is also a first-class building; that is the importers' warehouse.

Q. Have you any knowledge of the solvency of the parties who are upon that bond for warehouse No. 6?—A. It was stated in a paper in the city here some four weeks ago that Mr. Pickels, one of the sureties on that bond, was bankrupt for the past year, and that I knew it. I did not know it. I have made a great many inquiries since then with regard to Mr. Pickels's solvency. I found in the court that he had never been through bankruptcy. The opinions that I obtained as to his solvency were very conflicting; some say that he is worth considerable, and some say that he is not. He is a man dealing very largely in real estate. The last that I heard of him is that he owned 80,000 acres of land in Texas. I was not satisfied as to the fact that he was insolvent, but I told the collector that perhaps it would be better to require new bonds at once.

Q. Were new bonds taken?—A. The collector has written to Washington stating the facts of the case, and the Department has approved his action and instructed him to take new bonds.

Q. Has that bond been since taken?—A. I do not know whether it is completed yet or not.

Q. Are any of the parties on this bond related to the collector or the deputy collector of this port?—A. Not that I know of.

Q. Or that you have heard?—A. Or that I have heard.

Q. Do you know that the deputy collector has any interest in that warehouse?—A. I do not.

Q. You have no reason to believe that he has?—A. I have not.

Q. From the number of permits that are granted for the consignment of goods to that warehouse, or anything of the kind, have you reason to believe it?—A. No, sir; I have no reason to believe that the deputy collector has any interest in it, and I never had. I have heard it rumored.

Q. In whose name is the store-house run?—A. Thiel's.

Q. Do you know anything about persons' names being on the pay-roll of the custom-house in 1872 who rendered no service there, or who did no work?—A. I do not.

Q. Your attention was never called to it, nor did you ever make it the subject of investigation?—A. No, sir.

By Mr. CONGER:

Q. Who owned this warehouse No. 6?—A. I believe the honorable chairman of this committee is the owner of it; at least, I have heard so. I may be mistaken.

Q. Who rents it?—A. Mr. Thiel. When I say Mr. Thiel, I mean that Mr. Thiel is on record in the custom-house as proprietor.

Q. There is a Government store-keeper there?—A. There is a store-keeper appointed by the Government.

Q. Does Mr. Thiel receive the profits of the warehouse?—A. He receives all the storage.

Q. And the Government store-keeper merely takes charge of the business?—A. Mr. Thiel takes charge of the business and pays the salary of the Government store-keeper. In other words, Thiel pays it in to the collector, and the collector pays the store-keeper.

Q. But Thiel is the proprietor of the building?—A. Yes, sir.

Q. Does the Government pay the proprietor for the time being anything for rent?—A. No, sir.

Q. Does his rent come in the amount of charges he is authorized to make upon property stored there?—A. This is a class 3 warehouse. A class 3 warehouse is a warehouse that is owned and rented by an individual who goes into the general-storage business. He makes application to do so according to regulations, and he gives a bond. When the bond is approved by the Secretary of the Treasury, it then constitutes the warehouse a class 3 warehouse, and a store-keeper is placed in charge by the collector. The proprietor of that warehouse is required to pay in monthly to the collector \$4 a day for the salary of that store-keeper, because the Government does not propose to sustain any loss by running warehouses. The collector there pays directly the store-keeper; all the storage that is made in a class 3 warehouse goes to the benefit of the proprietor.

Q. And that is the way in which the proprietor makes his profits?—A. That is the way in which he makes his profits.

Q. Is the charge for storage in such a class warehouse regulated by Government?—A. The regulations of the Department are that the rates of storage are governed by the practice of the particular port. The Government does not fix the rates. At this port the rates fixed by the Chamber of Commerce are the rates to be collected.

Q. Do you mean the Chamber of Commerce in this city?—A. Yes, sir; in this city. The rates of storage may be higher here than at some other ports, but the regulations are that the rates shall not exceed the customary rates of the port. Those customary rates are, I think, established by the Chamber of Commerce.

Q. Are those rates understood and known to business men?—A. Yes, they are understood by business men generally.

Q. Does that apply to all store-houses of class No. 3.—A. Yes, sir.

Q. Does it apply to all Government general-order store-houses?—A. Yes, sir; it applies to all.

Q. If a party is charged any more than he may think is right for Government store-housing, how does he determine whether that charge is correct or not, if there should be any dispute about it?—A. If there is any dispute about it, the proper way, I suppose, is for the party to make his complaint to the collector, and then it is the duty of the collector to see about it. Or, if the complaint is made to me, it would be my duty to see if the charges were proper or not.

Q. And how did you determine them?—A. By the rates established by the Chamber of Commerce.

Q. Are those variable—do they re-assess the rates from month to month or year to year?—A. No, I do not think they are changed, at least for a year. I think they run along for the year at the same rates.

Q. Do those rates govern other warehousemen in commercial business generally in the city?—A. I think so.

Q. And these rates are made to correspond with the general charges for the same length of time?—A. Yes, sir. There is also another charge for hauling.

Q. Is that charge for hauling regulated in the same way?—A. I think that is regulated in the same way.

Q. Is there, then, any opportunity for the proprietor of a Government store-house to impose on importers by unjust charges without his having an easy remedy?—A. I think not, if the parties avail themselves of the remedy.

Q. Is it at the option of officers of the custom-house to direct to which of the store-houses of the same kind goods shall be sent? You have said that the importers might designate on their entry to which warehouse the goods should go. Can that be controlled, or is it controlled, according to their wish by officers of the custom-house?—A. No, sir; not where the importer makes the entry. In that case, the goods are always sent where he requests them to go.

Q. Is that within your own observation and knowledge?—A. Yes, sir.

Q. Where they go in on general order, what is the rule?—A. Where they go in on general order, before the passage of the act of June 22, 1874, the collector, under the law, had the power to designate the general-order warehouse. That act of June 22, 1874, made a provision that due regard should be paid, in sending goods to general order, to the distance from the steamship-landings; that is, that the general orders should be designated conveniently to the steamboat-landings. Since June, 1874, at least for a good portion of the time, there have been five general-order warehouses;

two of them had to close up for want of business, which leaves now three, besides the custom-house, which is occasionally used for that purpose.

Q. So that if there is any order from the collector in regard to the designation of the general-order warehouse to be used by the importer, it would be governed by the distance?—A. It would be governed by the question of nearness.

Q. By the question of nearness of the warehouse to the ship that brings the goods?—A. Yes, sir; nearness to the ship that brings the goods.

Q. Explain what the general-order system is, and what kind of goods that includes, and what is the necessity for a general-order warehouse.—A. When a vessel is entered, if the goods appear by the bills of lading to be deliverable immediately, that vessel is entitled to a general order immediately; that is, a general order to discharge cargo.

Q. Is that for the convenience of the vessel?—A. That is for the convenience of the vessel. The collector gives what is called a general-order permit, which is a direction to the inspector, something like this: "You will send to warehouse No. so-and-so, class so-and-so, all goods by such vessel, except such as are otherwise specially ordered." Now, then, after that general order is given the vessel commences to discharge. In the mean time the importers are hurrying their entries through as fast as they can. They get their permits, and those permits are sent to the inspector in charge of the vessel, and if they reach him before the goods are sent to general order, he does not send them, because then they are "otherwise specially ordered."

Q. Where do they go?—A. They go according to the terms of the special permit. That permit may be a permit to deliver to the importer upon payment of duty; or it may be a permit to send to the designated warehouse; or it may be a permit to send to the ship for transportation and exportation to another port.

Q. Whatever disposition is to be made of them is stated on the permit?—A. Whatever disposition is to be made according to the entry. If the importer's permit reaches the inspector before the goods are sent to general-order warehouse, they are not sent there; and there are general standing instructions to the inspector to keep the goods on the wharf to as late an hour as possible, though not so late as to be too late to get them to warehouse, so that the importers can get the goods without their going to general order, and the importers thereby can save the storage in general order.

Q. Is that a general regulation for other ports as well as this?—A. It is the regulation of this port, and I guess it is the practice generally. If they are what are known as wharf goods, they are not sent.

Q. A great many goods come here to be sent forward to other ports?—A. Yes, sir; considerable merchandise of that kind comes in here.

Q. Some goods come on consular certificates and some come on the interior port-of-entry system?—A. Yes, sir. There are certain ports designated in the law from which goods can be sent without appraisement to certain other ports designated in the law. The papers accompanying those goods have got to show that such is the intention of shipment—that they should go to these interior ports.

Q. Are you speaking thus of goods that come in under the interior port-of-entry bills?—A. The bill of July 12, 1870. It is called the interior transportation bill, I think. The papers accompanying the goods have to show the interior port which is their destination, and then they are not appraised, but they are corded and sealed, and put in bonded, sealed cars or vessels, and sent to their destination.

Q. And their destination must be one of certain designated ports?—Yes, sir, one of the designated ports named in the law; and they must pass through to it from one of the ports named in the law, too. Those goods arrive at the port of destination, and then the proceedings after arrival are substantially the same as they would be in the port of original importation in any other transaction. Bonds are given here for the delivery of the goods at this interior port, which are canceled upon the production of a certificate from the collector of such interior port.

Q. The amount of those bonds is based upon the invoice accompanying the shipment?—A. Yes, sir; upon the invoice.

Q. The bonds are for double the invoice?—A. For double the invoice-value, with duties added.

Q. And therefore there is no examination for appraisement, and no appraisement until they reach the specified port?—A. There is no appraisement until they reach the port of destination.

By Mr. REILLY :

Q. There is no appraisement simply because they do not collect the duties here?—A. In certain other cases of transportation the duties are collected here. There are two classes of transportation; one is called transportation without appraisement, and the other is the ordinary transportation in bond.

Q. That includes only those goods that may pass through a port of entry, named in the law, to the port mentioned specially in the law as an interior port of entry?—A. Yes, sir.

Q. Explain the mode of proceeding with that class of goods which may be transport-

ed through the original port of entry to a port of delivery.—A. The entry is made of the goods. If the goods are already in the warehouse, what is called a withdrawal entry for transportation is made.

Q. If the goods are not in the warehouse, but are intended for immediate transportation, there is what is called a warehouse and transportation entry made?—A. All the examination, and all the appraisement, weighing, gauging, and everything else is done the same as if they were entered for payment of duty here. Those entries are made in triplicate, and one copy of the entry is sent to Saint Louis, or wherever the port of destination may be. That entry shows the collector there what duties are to be collected, and shows what the appraisement has been.

Q. In short, it shows what the goods are?—A. It shows what the goods are, and their classification under the tariff. Those goods, on their arrival at Saint Louis, or whatever the port of designation may be, have to be re-examined over again, and are again appraised there by the surveyor. So that the re-appraisement there is really a check upon the original appraisement made here.

Q. The duties are then paid?—A. The duties are then paid at the port of destination.

Q. Or they may be warehoused there?—A. They may be warehoused there and drawn out as the parties need them.

Q. That is to permit the warehousing of the stock of importers?—A. Yes, sir; it gives them a great many advantages.

Q. It allows the importer to pay his duties on his goods just as he wants to take them out?—A. Yes, sir.

Q. Can that class of goods be sent to any other port of entry, or are they only sent to ports of delivery within the district?—A. They can be withdrawn from any port of entry for transportation to any other port of entry.

Q. And they may be sent to a port of delivery simply?—A. Finally the duty is to be paid at the port of delivery.

Q. They may also be sent from the port of entry to the port of delivery?—A. Yes, sir.

Q. Is there any port of entry on the Mississippi or the Ohio Rivers, or in the tributaries of them, except Saint Paul and Pittsburg?—A. O, yes; several.

Q. Regular ports of delivery?—A. Natchez is a port of entry.

Q. Is it an original port of entry?—A. Yes, sir; Vicksburg is one, too.

Q. And they are independent of the interior port of entry bill?—A. Yes, sir.

Q. What district is Natchez in?—A. In the district of Natchez, and Vicksburg is in the district of Vicksburg.

By Mr. NEW:

Q. Are not those ports of entry known as ports of entry of this customs district?—A. No, sir; they are entirely distinct. Take Memphis, Cairo, Saint Louis, Alton, Keokuk, Evansville, Louisville, Pittsburgh, Cincinnati, they all are in the district of New Orleans, but in their workings they are all independent.

Q. But they are classified as belonging to this customs district?—A. Yes, sir; it is called the district of New Orleans.

By Mr. CONGER:

Q. Some of those places are made ports of entry under the law of 1870?—A. Yes sir; such as Louisville and Saint Louis.

Q. And one or two on the river?—A. Memphis; Pittsburg is also one by a recent law.

Q. Do I understand you that about these places, Natchez and Vicksburg, there are customs districts of which these places are the ports of entry, as New York is, and New Orleans is, and Mobile is, with the whole paraphernalia of collector and subordinates?—A. Yes, sir; that is something obsolete, which ought to be replaced. At present these places have all the paraphernalia of the law for collecting the duties and everything else.

Q. How can a vessel from foreign countries pass through this district, say to Louisville, without making an entry at New Orleans?—A. Under the law, I think the vessel can pass up to Natchez; but a vessel engaged in the foreign trade cannot go up to Louisville for want of water.

Q. But suppose the water was deep enough; could she go up there?—A. Under the law, they cannot go there. They could go to Natchez, provided they made a report here, and had an inspector placed on board.

By Mr. NEW:

Q. Are there not some duties required of some one or more customs-officers at New Orleans as to every vessel which seeks to go to or enter any of those other ports of entry you have named?—A. There are none of them that ever seek to go beyond this port.

Q. Under the law, if they should wish to do so, are there not certain duties required

by the law of the officers here before the vessel could proceed farther?—A. If the vessel proceeded to Natchez, under the law she would have to take an inspector on board.

Q. Are you sure Natchez is the only port of entry in that direction?—A. I think Natchez is the only port above this place to which a vessel can go. The vessel would have to report here even in that case, and would have to take an officer on board for the protection of the cargo.

By Mr. CONGER:

Q. The alternative of that would be, then, to give a transportation-bond to any of these upper ports?—A. Yes, sir.

Q. Whether the cargo goes on the same boat that it comes in, or whether it is re-shipped, the alternative would be to put an inspector on board or to give a proper transportation-bond?—A. Yes, sir. I would say that no vessel from a foreign port, in a great many years, has ever gone up to Natchez.

Q. The district of New Orleans, up the Mississippi, extends to the Pembina territory?—A. I think it extends to the Minnesota boundary-line; somewhere about there.

Q. Wherever the district of Pembina begins?—A. Pembina takes in Saint Paul.

Q. Whatever the district of Pembina embraces, the New Orleans district extends as far as its boundary-line?—A. Yes, sir.

Q. And unless Natchez and Vicksburgh are districts by themselves, the boundary-district of New Orleans, up the Ohio, would be the Pittsburgh district?—A. The district in New Orleans takes in the Mississippi River and all its tributaries.

Q. That is, until it reaches some place where the Government has put another district?—A. It goes on the Ohio up to Parkersburgh, in West Virginia.

Q. And there it meets the Pittsburgh district?—A. Pittsburgh is, I think, next to the Wheeling district; Parkersburgh is below it.

Q. The object of my inquiry is to show that, with the exceptions you have named, the district of New Orleans embraces all the valley of the Mississippi and its tributaries, and the supervision of goods arriving by way of the Mississippi is generally, or, indeed, one might say in every case, more or less under the supervision of the collector of New Orleans?—A. Yes, sir; and of the officers here.

By Mr. NEW:

Q. Do I understand you to have said that a vessel with imports, if destined for any other ports of entry belonging to or situated in this customs district, is required to do anything more than to report at this port, except when it is destined for Vicksburgh?—A. I think Natchez is also named in the law.

Q. Do you say that in all other instances, except where the boat is destined to Natchez, nothing is required of the officers of the boat except simply to report here?—A. Yes, sir; the duty must be paid or secured.

Q. State what duties are imposed upon the customs officers here where the boat is destined to Natchez with imports, or to any of these other ports of delivery in this district.—A. In the case of goods going to any port of delivery—take, for instance, Memphis—the duties have got to be paid here or secured. If the duties are paid, they can take the goods where they please; if the goods go under the ordinary transportation bond, the entry has to be made and the duties have to be liquidated just the same as if the duties were paid here. Bonds have to be given, and then they are sent to this port, or delivered where the duties are collected, but they cannot go unless the duties are either paid or secured to be paid.

Q. I was under the impression that there was some supervision or inspection of them here at this port?—A. Yes, sir; there is. In that case there is the same examination and the same appraisement, and the weighing and gauging have got to be done here just the same as if the duties were to be paid here; and if the goods are sent up without the payment of duty, bonds are to be given. I cannot account for the reason why it is that those two districts of Natchez and Vicksburgh were ever established.

By Mr. CONGER:

Q. A port of delivery is a port within a district where there is a port of entry, to which goods may go to be delivered?—A. Yes, sir.

Q. Unless a place is a port of delivery the goods cannot go there?—A. No, sir; every port of entry is a port of delivery, but every port of delivery is not a port of entry.

Q. What is the official designations of the chief officers at ports of delivery in this district?—A. Surveyors.

Q. And to whom do they report as their chief?—A. Direct to the Department at Washington.

Q. Does that apply to all the ports of delivery?—A. They all report direct to Washington.

By the CHAIRMAN:

Q. Have you any knowledge of any irregularities in the matter of a cargo of salt per ship Pericles, that arrived here some time during the month of January, 1871?—A. I

cannot recollect, but if you could give me any circumstances connected with it I might be able to do so.

Q. The alleged irregularity was that the entry was made in bulk instead of in sacks?—A. Salt comes in bulk as well as in sacks.

Q. But the duty when it comes in bulk is different from what it is when it comes in sacks?—A. The duty is different.

Q. It is 18 cents per hundred pounds when it comes in bulk, and it is 24 cents per hundred pounds in sacks, is it not?—A. At that time that was the duty I guess. I never heard of that case you refer to. At least I have no recollection of it at present.

Q. Did you never make any examination of it at all?—A. Not that I recollect. If I did, I have some memorandum of it in my office.

Q. Can you recollect the fact that there was such a case?—A. No; I don't recollect that there was any charge of that kind ever made, that sack salt was entered as bulk salt.

Q. And you don't recollect any of the facts or circumstances connected with it?—A. No, sir.

Q. You don't recollect having made an examination?—A. No, sir; not into any transaction of that character.

Q. You don't recollect who was the consignee of the salt?—A. No, sir.

Q. If I were to mention the name of the consignee, do you think that you might recollect the facts?—A. I don't know if I should or not.

Q. Do you know whether or not Mr. David Jackson ever received such a cargo of salt?—A. I know he received salt all the time. I don't recollect of any charge of the kind being made as to his salt or any other imported salt.

Q. You have no recollection and no knowledge of your attention having been called to any irregularities with reference to a cargo of salt received during the year 1871, in the month of January, complaints in regard to which were sent to the Secretary of the Treasury, Mr. Boutwell?—A. You referred before to a particular case, where the charge was that sack salt was entered as bulk salt. I don't recollect of any such charge, but I recollect that my attention was called to some salt transactions here some years ago. Whether it was in 1871 or not I cannot say. I made an investigation of some salt transactions here.

Q. Don't you remember that on the examination of the case that I have stated to you one of the inspectors by the name of Rousseau gave testimony before you?—A. I cannot recollect the name. I recollect investigating charges preferred by Mr. Jackson, now of the firm of Jackson & Kilpatrick, against David Jackson, his brother.

Q. Do you recollect what they were?—A. I recollect that I applied, through the district attorney, to the district judge to get possession of Mr. David Jackson's books and papers, and I did so, and made an investigation of them. The result of the investigation in general I cannot recollect now without looking at my reports; I know it resulted in the discharge of a couple of officials, but their discharge, however, had nothing to do with the assessment of duties on salt. I don't think that the investigation, speaking from recollection of it, shows that there was any fraud on the revenues.

Q. Was there any attempt at fraud on the revenue?—A. Not any attempt, I think; but I don't speak positively about it. I cannot do so without looking at my report.

Q. Could you refresh your memory by looking up your data, and be prepared to explain the transaction?—A. I could; certainly.

Q. Do you know anything about a man named Sansoni, once in the employ of the custom-house?—A. There used to be a man of that name who was a store-keeper at one of the public store-houses; he may have been an inspector.

Q. Do you recollect the fact whether he ever made a seizure of cigars?—A. I don't recollect.

Q. Where is he now?—A. I don't know; I have not seen him in some time.

Q. Do you recollect whether any cigars seized by him were sold?—A. I don't recollect. With the exception of seizures that are made through my own office, I don't, as a general thing, take any particular notice of them. Where the inspector is acting under the surveyor, and makes a seizure, he reports it to the surveyor.

Q. Do you know whether or not Sansoni is still in the employ of the custom-house?—A. I do not; I have the list of employés in my office, and I don't recollect his name being on the list; he may be, but I don't recollect it.

Q. You cannot recollect now the alleged irregularity in this cargo of salt?—A. I cannot, sir, without looking at my report; if it is away back in 1871, and I know it is away back several years, I could not of course recollect it; but I can examine my reports and see just what conclusions I arrived at.

By Mr. CONGER:

Q. Do you remember any case coming within your examination where an employé of the custom-house by the name of J. P. Wright was connected in any way with an improper importation of cigars in the baggage?—A. I recollect it. I think it was in

1870, but perhaps it was in 1871; he was then one of the baggage-examiners, and there were five trunks containing somewhere about 24,000 or 25,000 cigars passed out under the check of the baggage-examiners. It was not Wright's check, however, though he was one of the examiners. I had got information that this vessel was going to have cigars, and I sent officers down as far as the South Pass to meet her and come up on her. The baggage was being put ashore and examined, and, as I say, there were five trunks full of cigars passed with the examiners' check on them, which check simply consists of his initials, but Inspector Hutchinson and Inspector Stewart followed the express wagon that had these cigars up here to the front of the Saint Charles Hotel, and made the seizure. We had the vessel thoroughly searched and watched, and there were some 40,000 or 50,000 cigars seized altogether.

By Mr. REILLY:

Q. When was this?—A. I think it was in the spring of 1870.

Q. Wright was one of the baggage-examiners?—A. Wright was one of the examiners.

Q. You say he was not the one upon whose check these trunks were passed ashore?—A. That is so, sir. From the information that I received, Mr. Wright was standing somewhere about the head of the gangway where the cases came up, and they passed out by him with the check-marks of the other officer who was down in the cabin where the cigars were. There was nothing very positive to fix guilt upon anybody, but at all events I had both of them removed.

Q. Including this man Wright?—A. Yes, sir.

Q. You recommended his removal?—A. I did, sir.

Q. On what belief or grounds?—A. On the ground that I believed that he knew those cigars were passing ashore. However, upon that matter, as it is so long ago, I should like to examine my report before saying anything with any degree of positiveness.

Q. Have you papers which would show your then grounds of action?—A. My report will show the facts connected with the investigation.

Q. And your report will show the ground of your recommendation of his removal?—A. I think so.

Q. Where would you leave a copy of your report recommending his removal?—A. I sent a copy of the report to the Secretary of the Treasury, but so far as the removal of the inspectors was concerned, I don't think there was any written report about it. That was simply conversation between myself and the collector. I explained the facts to the collector of the port.

Q. Will you lay that communication before the committee?—A. Yes, sir. There was a good deal of investigation connected with the matter, but I cannot recollect it all from memory.

Q. Referring to the cigars that were seized at the vinegar-shed, do you remember where those were sold?—A. They were sold right at the head of the stairway in the custom-house leading from Canal street—that is, a little back from the stairway.

Q. Do you remember by what officer they were sold?—A. Mr. Stockton, the deputy marshal, did most of the auctioneering, but Deputy Marshal Deklyne distributed among the crowd samples of the cigars when each separate lot would be put up for sale, so that bidders could see what kind of cigars they were.

Q. Was the sale well attended?—A. There was a very large crowd there.

Q. Were the cigars sold by order of the court?—A. By decree of the court.

Q. By the marshal?—A. By the marshal.

Q. With that sale, had the custom-house officers anything to do officially?—A. Nothing at all.

Q. Were there two sales, or two attempted sales?—A. No; I think the cigars were all sold in one day, if I don't mistake.

Q. Were appropriate samples of the brands of cigars exhibited by the marshal?—A. I thought they were exhibited too lavishly.

Q. Were they distributed sufficiently to permit buyers to know what they were purchasing?—A. Yes, sir.

Q. Did the cigars bring a reasonable price?—A. Some sold as high as \$196 a thousand. They were splendid cigars.

Q. Do you know how many cigars were taken from the lot by the marshal into his office as samples?—A. I could not tell. Before the samples were distributed I rather objected to it—that is, I didn't exactly object, but I didn't desire that the cigars should be wasted in samples; but the marshal said he could not sell them without using samples. I think there were several thousand cigars scattered around as samples.

Q. As many as 2,000 or 3,000?—A. I should say more than that.

Q. Had those been taken to the marshal's office before the sale?—A. They were taken to the marshal's office, and then placed beside a platform where the deputy marshal, who was the auctioneer, was standing. For instance, when each different lot or brand would be offered for sale, Mr. Deklyne would open a box, and pitch them among the crowd, and there was quite a crowd of bummers there to pick up the cigars.

Q. You said yesterday that no owners appeared for those cigars?—A. Yes, sir; it is not a likely thing that they should appear.

Q. Did you ever hear of anybody claiming to be the owner of those cigars, or having any interest in them, trying to prevail upon persons to whom a part of the forfeiture went to give him or them their share of the money?—A. Never. I will say here that where cigars are seized and no stamps found on them, the absence of stamps being the evidence of fraud, no person ever puts in a claim as owner of such cigars, because if he does, it is a confession that he is a smuggler. Smugglers never put in a claim for seized cigars.

Q. Had you, from all your examination, any grounds upon which you could form any reasonable suspicion as to who the owner of those cigars was?—A. No, sir. I had three or four working to try and find out, if possible, who they were; if you wish I can name the parties that I had employed for that work.

Q. Your impression, however, from all the circumstances, was that they must have been landed somewhere on the coast and not on the river?—A. I think they were landed on the Mississippi coast, for the reason that ten hogsheads were hauled from the basin which connects with Lake Pontchartrain, and five cases were hauled from the Mobile depot, which road runs along the coast.

Q. You mean the Mobile depot in this city?—A. Yes, sir. All these circumstances led me to believe that the cigars were probably smuggled in somewhere on the Mississippi coast.

By Mr. CONGER:

Q. How long have you been a special agent of the Treasury Department?—A. Since October, 1866.

Q. How extensive among the customs districts of the country has been your examination of the customs business?—A. I have been around a great deal; I have been at almost all of the ports in the Mississippi Valley up to and including Saint Paul, and I have been pretty generally through them from Saint Paul to Portland.

Q. By way of the lakes?—A. By way of the lakes. I have been through all the frontier custom-houses and the ports of entry on the frontier.

Q. You were special agent to examine and report upon the business of the frontier ports?—A. Yes, sir.

Q. Has it been a part of the business committed to you, for a great many years, to examine into the organization of custom-houses and report upon the number of employés employed?—A. Occasionally it has been.

Q. And have you been sent to organize new districts?—A. I was sent to organize your district, Mr. Conger—the Port Huron district; that was in 1866 or 1867.

Q. Did you report upon the reduction of expenditures and of the force in the New York district?—A. Yes, sir; I did.

Q. When?—A. About a year ago last December.

Q. And of Boston also?—A. No, sir.

Q. Or of any other of the large ports?—A. I don't recollect now any other large ports.

Q. From the length of your service and the variety of places where you have made examinations, you have had an opportunity of becoming familiar with the workings of the customs-department in many places in the United States?—A. Yes, sir; I have had an opportunity of seeing a good many of them.

Q. Since you have had the general supervision, as special agent, of this district, have there been any wrongs or irregularities on the part of the collector or any of his subordinates, that have come to your knowledge, which you have not examined into and reported upon, and which have not been corrected after discovery?—A. I have frequently found irregularities on the part of the subordinates, and have reported them to the collector; and I must say that I have found him generally pretty prompt to discharge a man if I asked his discharge.

WILLIAM B. HALL sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. 97 First street, New Orleans.

Q. What is your occupation?—A. At present I am not in any business; formerly I have been in different businesses. I have been a stevedore.

Q. Have you ever had any public employment?—A. Yes, sir; in the custom-house and in the State department.

Q. When were you in the custom-house?—A. From 1863 until 1868.

Q. What position did you occupy in the custom-house?—A. I was inspector of customs, detailed as a measurer of the tonnage of ships under the law that was passed in 1865.

Q. What were your duties in connection with measuring ships?—A. To measure, and report to the surveyor's department the measurement for tonnage-dues of all ships that came in.

Q. Do you know of any irregularity while you occupied that position?—A. While I occupied it I didn't.

Q. Or after you quit that position did you learn of any?—A. After I left that position I was appointed chief weigher of the port under Collector Kellogg, and remained there through the term of Kellogg's administration as collector, after which I resigned and was appointed State harbor-master in the port of New Orleans. Shortly after, Mr. Casey took possession of the port as collector. I being in a position where revenue was collected by tonnage, and being very familiar with the size and tonnage of ships coming to this port, knew nearly all of them, and whether they were under-measured or not. In the case of a good many that I had formerly measured I knew there was irregularity in the measurement, and I wrote a letter to Collector Casey informing him of the facts of the irregularities in the tonnage dues due the United States Government. I notified him that many ships coming to this port were reduced greatly in tonnage by the present measurer, and I stated the facts of the case, that he had received bribes, and had reduced the tonnage, which in some respects affected me. Mr. Casey kept the letter a few days without investigating the matter, and then he gave the letter to the party who was then measuring—a man by the name of Harrison—and told him to take the letter and make what use of it he had a mind to. Harrison undertook to put me to some trouble, and made his brag that he would take a house or two away from me.

Q. Do you recollect any particular case?—A. The name of vessels, I don't recollect.

Q. Do you recollect the time?—A. It was 1869 and 1870.

Q. Can't you give us one name of any vessel?—A. The Pleiades and the Perseverance were two that I think I recollect.

Q. State what were the facts in those cases.—A. They had been reduced in tonnage, I think, somewhere about seventy-five or a hundred tons, but I don't recollect the exact number of tons.

Q. What did you do about it?—A. I reported it to the collector.

Q. And what did he do about it?—A. He didn't do anything that I know of.

Q. Do you know that he didn't?—A. I know he didn't, so far as my knowledge of the case goes.

Q. And how far does your knowledge of the case go?—A. So far as this, that that letter came back to me, and there was an examination and a trial about it, not in a court, but before an order.

Q. You state now that you discovered certain irregularities in the reports of one of the harbor-masters?—A. No, sir; it was in one of the reports of one of the measurers of vessels.

Q. How did you make the discovery of the fact that these reports were incorrect?—A. By knowing the size of the vessels and how many and how much they carried in cotton. My business all through my life has been going to sea until I settled down here. I knew when they fell short of tonnage; I knew what they would be if rightly measured. Some vessels I had measured myself when I was measurer he had measured and reduced.

Q. The measurement of the same vessel that you had measured was diminished by one of your successors in office?—A. Yes, sir; it was diminished.

Q. And you made a report of this irregularity to the collector?—A. Yes, sir.

Q. Did you receive any communication from him in reply?—A. None at all.

Q. Did you ever see him personally with regard to the matter?—A. Only once.

Q. Did you derive from him any satisfaction about it?—A. No more than that he said he would look into it.

Q. Did you derive from him any information in any manner that he intended to make an examination?—A. He only said that he would look into it and examine it.

Q. Do you know that he did look into it in any case?—A. I don't.

Q. Do you know that he didn't?—A. I don't know what he did in the custom-house.

Q. Were you called in in any investigation to make a statement with reference to this matter?—A. No, sir.

Q. Do you know whether in the custom-house the reports of this successor of yours, as a measurer, were received?—A. I saw them on the record in the surveyor's department—the same record I kept mine in, while I was there as measurer.

Q. You saw these incorrect reports on record?—A. Yes, sir.

Q. What was the full name of that measurer of ships?—A. H. C. Harrison, I think.

Q. Does he still occupy any position under the Government?—A. I think not. He was turned out about a year or so afterwards.

Q. Was he turned out for these alleged irregularities?—A. He was not turned out until a long time afterward—about two years.

Q. Have you any knowledge of any receipt of goods from foreign ports at this place without the payment of the custom-house duties to the Government?—A. While I was harbor-master I used to have to board and land all vessels coming to this port. The ship *De Soto* plied to this port by the way of Havana, and on one occasion I went on board of her and saw several packages of cigars. One package, I think, was 2,000

cigars, and I think another one was 1,500 cigars, and another 1,000, with slips of card on them addressed to different parties. There was not enough in any one package to make 3,000 cigars. They were in the cabin of the vessel, and I took notice of them and checked off the parties they were addressed to.

Q. Do you know whether these cigars paid duty or not?—A. I don't think they did.

Q. Have you any information about it?—A. No further than that I followed them to see where they went to. There were 2,000 of them addressed to J. F. Casey, and another lot was addressed to Felix Herwig, deputy collector, and another package to General Mower, who was in the Army at the time. I happened to be there in the forenoon of the next day, and an order came in the custom-house to the inspector, which I saw, ordering him to deliver to the drayman those packages for No. 1 warehouse, which is in the custom-house building. I then went down to No. 1 warehouse and saw some of the same packages there unmolested. Others were gone. I asked one of the warehouse keepers where those cigars went to, and he showed me in the warehouse some of the packages. Then I went in again and found they were all gone. Those cigars were not landed by permits, and therefore they could not have paid any duties.

Q. Do you know whether any entry was made for those cigars?—A. I don't know of any entry; I never heard of any. In conversation with the inspector that had charge of the ship, I found there was no entry, no permit, and nothing more than an order to him to deliver the goods.

Q. Have you any knowledge of any parties whose names are upon the pay-rolls, or rolls of any kind, who have received pay from the Government for alleged services in the custom-house, but who in fact have rendered no such service to the Government?—A. I know some myself, and others I have known of.

Q. State the cases that you know yourself.—A. One man by the name of Joseph Coleman, night-watchman, worked at the collector's residence for several months—eight or ten months he told me it was—and he got paid out of the custom-house every month.

Q. When was this?—A. Eighteen hundred and seventy-five; last year.

Q. Did he give you any reason for his name appearing on the roll of the custom-house?—A. He was in the custom-house as night-watchman during my time, or part of my time, and he was a sickly man, and they kept him on from time to time. He told me Felix Herwig, deputy collector, had discharged him several times, but Casey had always put him on again. He kept him out of the way, and he sent him up to his house to work about his garden and about his house, but he received his pay from the custom-house. I know another man, by the name of Donoghue; I think he lives on Saint James street; there were some months he drew pay from the custom-house and never did any duty. I also know of another man, who is said to be a clerk in the collection department, and who bought in my homestead at tax-sale not long ago; his name is George C. Norcross. He is said to be in the collector's office as clerk; but every month I have seen him buying property at tax-sales during office hours, when he ought to be at the custom-house. When I redeemed the property he said he was only an employé of the custom-house, and that he bought the property for the custom-house. I said, "Who is the custom-house?" "Well," said he, "Herwig." I saw a list, with one of the clerks of the custom-house, of the employés, and it had on it the name of J. H. Oglesby at \$150 a month; he is one of our bank presidents.

By the CHAIRMAN:

Q. Might there not be some other person by the name of J. H. Oglesby? The name in the printed book is John H. Oglesby.—A. The clerk that gave me the information knew the gentleman, and therefore I don't think I am mistaken, or that he is either.

Q. What is the name of that man?—A. Hall; he is a namesake of mine, but no relative.

Q. Is he in the employ of the custom-house now?—A. Not now; he has been discharged.

Q. When was he in the employ of the custom-house?—A. Last year.

Q. Do you mean to say that he said that this gentleman called there and got pay every month?—A. He made his pay-roll out, he said.

Q. But did he identify the gentleman whom you described as the party on the pay-roll?—A. He told me so.

Q. Can he be reached by this committee?—A. I saw him here yesterday or the day before.

By Mr. CONGER:

Q. He told you this after he was discharged?—A. I think I knew it before he was discharged. He told me after he was discharged, but I knew it before.

Q. How did you know it?—A. By talking with employés of the custom-house—different employés.

Q. Can you recollect one of them by name?—A. I don't know but what Sansoni might be one.

Q. Were you present when Mr. Kinsella was being examined?—A. Yes, sir.

Q. Is that the gentleman that I inquired about from him?—A. Yes, sir.

Q. Do you know where he is?—A. He was in Washington not long ago.

Q. Do you know where he is now?—A. I don't; but I know where his family is.

Q. Where is his family?—A. Up in the fourth district.

Q. At present?—A. They were a short time ago—a month ago.

Q. How do you know that a month ago his family were in this city?—A. A physician that attends the family informed me that his wife had told him that Mr. Sansoni was in Washington. That was about a month ago. It was reported after he left here that he was in Galveston keeping a hotel. I knew before he went away that he didn't go to Galveston with the intention of stopping there.

Q. Have you any reason to believe from any facts within your knowledge that this gentleman, Mr. Sansoni is out of this city for the purpose of evading testifying before this committee?—A. No, sir; I don't.

Q. You said you got certain information from him; what was that information?—A. I don't recollect now; my memory is not very good; he was speaking in particular about this pay-roll and about those dead-heads in the custom-house, and I think this man's name was mentioned among them.

Q. Do you know of any other?—A. I don't recollect names; I know there have been for the last two years, or may be four years, many; I don't recollect their names.

Q. How long have you resided in this city?—A. I have been a voter here since 1854, but I have been sailing out of this port and New York all my life, mostly in different stages, both as officer and master of ships, out of different ports.

Q. Have you a family?—A. Yes, sir; I have a family grown.

Q. Have you any knowledge of a certain quantity of whisky passing through this custom-house or purported to be passed through the custom-house several years ago for a foreign port, on which drawback was recovered, but which whisky in point of fact was not shipped, but water in its place?—A. I have heard something of that; I knew something about it but not enough to establish any fact in the case. During Kellogg's administration of the custom-house, I being a seaman and understanding about vessels, was often sent or ordered by Collector Stockdale or the collector of the port to go to survey vessels and measure vessels to see how much their carrying capacity was. I did that on the Greenland once, and I think, if I mistake not, I did it on the Harkaway another time, and I think I did it another time on the brig Lady Monk, and then there was another vessel, but I don't now recollect her name. I made the necessary examination and investigation and reported it to the collector direct.

Q. What did you report?—A. I reported the number of barrels that they would carry—whether or not they would carry a certain number which they required them to carry and which was perhaps a greater number than they would. My business was on the levee among the ships all the day, and I knew all that was going on outside of the custom-house, but I could not get on the inside at the custom-house to see what the tricks were, although I had suspicions that there was something wrong about these vessels. Some of them, I understood, carried the whisky as far as Twelve Mile Point, and then landed the barrels, and they were trucked up to the city.

Q. You have no knowledge, then, of any such shipment at this port?—A. No, sir. About three months ago I was called on by the lessee of the wharves, as an expert, to go and measure some ships arriving at this port, in company with Mr. Hardy, the city surveyor, and to ascertain whether the measurement of the custom-house had been proper, and whether the vessel had been correctly measured by them. In order to get that permission from the custom-house to be experts over the measurement of the Government officers, it required an order. Mr. James Lusk, representing the wharves, applied to the collector and the surveyor for the order to remeasure certain ships that had either been reported or had been ascertained to be undermeasured. They referred him to Mr. Kinsella, and Mr. Lusk obtained permission from Mr. Kinsella for myself and Mr. Hardy, who was city surveyor, to go on board of a certain vessel and measure it on a certain day. We did so; we found the measurer of the custom-house there with his men, and I was there to supervise, as I was acquainted with the measurement of ships and all the nautical terms and words, and the names of the parts of a ship. When I went there I found this man Waldo Todd as the measurer of ships for the custom-house. I went through the measurement with them. I found out, in the first place, they didn't know anything about the measurement. After going through with the measurement and finishing up, I tested their line and I found that their line was out of the way. I had a new test-line with me. He came up to the mark of the measurement of the vessel, which we measured together, and what it should be by the English measurement, which is a *fac simile* of our measurement. The custom-house agreed within a few tons of the calculation of the measurement that I made, but their measurement was as much one way as it had been the other previously. In this case his measurement was a little over mine, while before that it was under, in regard to other vessels that he had weighed occasionally, and that I had weighed when I was Govern-

ment measurer. Mr. Lusk immediately reported this to Mr. Kinsella, and asked his permission to investigate this matter, and requested him to remeasure certain ships that had been measured the year previous, including some of those that I had measured when I was in the custom-house several years ago, and which had been reduced 100, or 150, or 200 tons, or thereabouts. Mr. Lusk informed him that they would not give that permission, and he would not investigate it any further. He said he didn't know but what his measurement was just as right as mine was. Mr. James Lusk has a list of those ships that have been undermeasured and reduced in tonnage. It makes a great deficiency in the collection of tonnage-dues in the custom-house.

Q. Do you mean to say that there are vessels now coming to this port whose measurement is improperly reported and exhibited in the custom-house?—A. Yes, sir; and the Department has been notified of it. Mr. Welles, the surveyor, has been notified. I went in and showed him a list of them.

Q. Are you at present in the employ of the custom-house?—A. No, sir.

Q. How long is it since you were?—A. Since 1868 or 1869; since Mr. Kellogg went out. After that I was appointed harbor-master.

Q. How long did you hold that position?—A. I only had that about two and one-half years.

Q. Is that a position under the Federal or under the State government?—A. Under the State government.

Q. Will you give me your formula of measurement, when you were measurer of the custom-house, by means of which you measured the vessels?—A. You take the length, first, from the side of the planking on the stem to the after part of the stern-post. The depth is taken in sections according to the rules which govern the division. Fifty feet or under is divided into six sections. Over 50 feet and less than 100 into 8 sections; over 100 feet and less than 150 feet into 10 sections, and over 150 feet and not exceeding 200 feet into 12 sections, and so on up to 16 divisions. Each depth is taken in each transverse section. The depth is taken thus: taking the crown of the boom off of the depths, and the thickness of the shell and the ceiling in the ship from the air-streak to the lumber-streak; after the depths are taken, they are struck off in divisions, equal distances apart, by horizontal measurements, according to the depth. Over 12 feet would be divided into 6 parts; less than 12 feet into 4 parts for horizontal lines; each line is taken in horizontal places, designated by the depths in the sections. After all the depths are taken, all the breadths are taken, and then there is a regular rule to work up the calculation made by law. You put it into square feet, and from square feet into cubic feet, and you put all these sections together and divide by 100 cubic feet to the ton; that is a brief sketch of the formula of measurement.

Q. Is that the custom-house rule of measurement according to law?—A. That is the custom-house measurement since 1865.

Q. Has not that been changed since 1865?—A. No, sir.

Q. Do you know that it has not?—A. I know it has not.

Q. How about carpenter's measurement?—A. That is a different measurement altogether.

Q. According to carpenter's measurement the tonnage would exceed custom-house measurement?—A. In some respects it would.

Q. But as a general rule, how would it be?—A. As a general rule it would.

Q. Are there any deductions of tonnage made where the tonnage is ascertained under the rule you have given me?—A. None whatever in American measurement. In English measurement there is. In English measurement for steamers, the engine-room and the coal-bunkers are deducted from the size of the whole for the carrying of cargo.

Q. Do all vessels in their registration have the tonnage mentioned?—A. All American ships require their tonnage to be carved on the main beam. It is stated in their papers as so many tons and so many hundredth parts of a ton.

Q. Does American or English measurement yield the most tonnage-dues?—A. The American does, if any. The American does, while there is a deduction made from the English tonnage in the way I have stated. A sailing-vessel measures the same.

Q. The larger tonnage a vessel is given by custom-house measurement, if she is a foreign-going vessel, the larger tonnage she has to pay in foreign ports?—A. There are some foreign ports where they don't take our measurement.

Q. But where they do take our measurement they would have to pay more?—A. They have to pay more.

Q. Are the dues very large?—A. In Spain they are.

Q. So that anything more than a fair measurement of American vessels subjects them to high tonnage-dues abroad?—A. In those ports where there is no treaty with this Government they measure themselves. In England it is different; we take their measurement and they take ours.

Q. Is not that also the case with France?—A. Yes, sir.

Q. Whatever the tonnage measurement is determined to be, as to those countries that accept our measurement for our commercial vessels, it subjects them to the payment of this tonnage, then, abroad according to that rate?—A. I suppose so.

Q. Are you aware that the shippers of the United States have in their conventions demanded a modification of the laws of measurement which at present subject them, as they claim, to the payment of unjust tonnage-dues abroad?—A. They did do so shortly after this present mode of measurement became law.

Q. Is not that a matter that is constantly brought up?—A. I believe it has been since.

Q. And the ground of complaint is that American marine vessels are subject to an unjust discrimination in foreign ports in the matter of tonnage-dues?—A. I suppose that is one of the causes assigned.

Q. Are you not aware of a law or rule modifying the measurement of vessels since the time you have spoken?—A. I know there is none, for this reason: only a few months ago I went with this custom-house man and he made the measurement precisely the same as I did when I was there.

Q. You mean in this port?—A. They are all alike; all over the United States. There was a modification, I think, in 1866, if I am not mistaken, but that was only on inland navigation of steamboats. The law at first said that saloons on steamboats should be measured and I measured them. Then the law was changed and I didn't measure them any more.

Q. How many packages of cigars were there that you saw on board the De Soto?—A. On this particular occasion on the De Soto there were 4 bundles.

Q. One of them addressed to Colonel Casey, collector of customs, and another to Mr. Herwig, the deputy collector, and another to General Mower?—A. Yes, sir.

Q. When was this?—A. I think it was in 1870.

Q. What month?—A. I could not mention the month. I could not recollect. I did keep a memorandum of it for some time, but I thought it was waste paper, and, like many other things, I threw it away.

Q. What did you keep a memorandum for?—A. For my own convenience.

Q. At that time you had left the custom-house, hadn't you?—A. I had left it then sometime. I was not there during Perry Fuller's administration. I was State harbor-master at that time.

Q. Are you aware that a collector of customs or a deputy collector cannot make importations of anything?—A. I don't think they have any authority to enter anything.

Q. Are you aware that the collector of customs and deputy collector under the law could not make an importation or enter any goods whatever?—A. I don't know that they can.

Q. Don't you know that they cannot?—A. I know that they cannot, so far as my knowledge was then, at that time. I don't know what they can do since.

Q. If those were importations they could not be entered by the persons to whom they were addressed and duties paid on them?—A. I don't see how duties could be paid on them. The vessel came from a foreign port.

Q. Under the law two of these parties to whom they were addressed, if the goods were cigars, and came from a foreign port and were consigned to them, could not make any entry of them or pay any duties on them and get them?—A. I don't think they could.

Q. Could anybody make an entry of cigars of that kind?—A. No, sir; unless the cigars were in one package. These were in separate packages.

Q. How do you know that these cigars came from Havana?—A. Because I was so informed aboard the steamship which landed them at that time.

Q. Who so informed you?—A. I was so informed by the steward and the mate, and the officers around the ship.

Q. They said that they came from Havana?—A. Yes, sir.

Q. Do you know whether they paid export duties from Havana?—A. I don't know whether they did.

Q. Did they have any mark of the custom-house at Havana on them?—A. I didn't see any marks on them.

Q. How were they put up?—A. In cigar-boxes and tied together.

Q. Did you see them?—A. I saw them in the cabin.

Q. How many cigars did you judge there were?—A. I should judge, in all, 5,000, about.

Q. How many in the separate bundles?—A. All these were in different bundles. I think there were 4 bundles.

Q. And you asked the steward about this, did you?—A. Yes, sir; I asked the steward and the mate.

Q. And you went to see where the cigars went to?—A. I did: I had a curiosity to know.

Q. And you had leisure to gratify that curiosity?—A. Yes, sir.

Q. You found some of these cigars in warehouse No. 1?—A. I saw some of them in the warehouse.

Q. That is a Government warehouse?—A. Yes, sir; it is on the northeast corner of the custom-house building, in the basement.

Q. Did your curiosity lead you to inquire of any of these men to whom they were addressed, whether they got the cigars?—A. My curiosity was to know whether these men got the cigars through the custom-house without paying duties.

Q. Did you follow it up and find out?—A. I followed it up no further than that.

Q. The cigars could have got in that storeroom without paying duties?—A. That was where all seized goods were placed; but these goods were not seized.

Q. How do you know that?—A. I saw the order sent to the inspector in charge of the steamship to deliver them.

Q. You saw the order?—A. Yes, sir; I saw the order myself in the inspector's hands.

Q. Did you ask him for it?—A. No; I looked over his shoulder and saw it, and then he showed it to me. I asked him if that was the order for those cigars.

Q. What particular object had you to follow up those cigars?—A. I wanted to know whether the officials of this Government could smuggle, and I could not. That is the only answer I can give.

Q. You ought to have known that yourself from a long and useful life as an official.—A. I didn't smuggle.

Q. But while you were an official, you could have seen if other officials smuggled.—A. I wanted to know if the custom-house was running as honest as it was when I was in there.

Q. There never had been anything while you were there to excite any suspicion?—A. Not to my knowledge. I made many small seizures of cigars on different small vessels. On one vessel I got as many as 14,000 cigars.

Q. Then there were these attempts to smuggle in goods by one person or another, even under the pure administration to which you belonged the Kellogg administration?—A. I don't say that either of these administrations were honest.

Q. I inferred from what you said that you thought that the administration that has just gone out, which was Kellogg's, was a pretty good administration?—A. In comparison with what the custom-house has been since, it was.

Q. Something must have led you to go on board that vessel to look for smuggled cigars—some information from somebody to make you follow them up so faithfully. Why didn't you try to find out if they were entered or the duties paid?—A. It was the custom heretofore, when I was in the employ of the custom-house, to follow up such things, and I had a curiosity to see if they would be detected, or if they would go to the right place in the custom-house for duties to be paid on them.

Q. They did go to the custom-house?—A. Yes, sir.

Q. Then you followed them until they reached the proper place for them to go?—A. I don't say that they went to the proper place.

Q. Where ought they to have gone?—A. I thought they ought to be seized. If I had been an inspector I should have seized them, no matter to whom they were directed.

Q. You would have known that they were smuggled cigars.—A. Yes; and I should know to whom they belonged.

Q. But you would have satisfied yourself first that they were smuggled?—A. I should have seen the manifest.

Q. Did you look on the manifest?—A. No, sir; I didn't.

Q. You didn't take so much pains as a man in the eager pursuit of truth ought to have done, then?—A. Perhaps not.

Q. You say that it used to be a custom for men to export whisky and get it to some place down on the river, and leave the whisky there and take in water?—A. I don't know what they took. I judge they took water, from the information I have had.

Q. When did these things occur?—A. Probably in 1865, 1866, or 1867; along there.

Q. Was that reported to have occurred frequently?—A. I don't know that it was reported at all. I got my information about it outside of the custom-house.

Q. Did you get information that it was occurring frequently?—A. I did.

Q. That it was a common practice?—A. It was for some time.

Q. Was it detected?—A. I don't know.

Q. That was in 1865 and 1866?—A. Yes, sir.

Q. Who had charge of the custom-house then?—A. Mr. Kellogg.

Q. Were you in the custom-house then?—A. Yes, sir.

Q. Then the purity of the administration didn't extend so much to whisky as to cigars?—A. I don't know that I am a judge about that.

Q. They let whisky slip off, whatever they did about cigars?—A. I had nothing to do with whisky.

Q. But you heard rumors of this, and you would know of any smuggled cigars, would you not, while you were employed there?—A. I know this only from hearsay, and from information I have received from others.

Q. And your information showed that that was a frequent occurrence?—A. It did.

Q. And yet no detections and no prosecutions were made?—A. Not to my knowledge.

Q. Have you known of such things occurring now?—A. No, sir; I have not.

Q. Or of late years?—A. No, sir.

Q. You would be apt to get information if they did exist?—A. I don't think I would.

By the CHAIRMAN:

Q. You stated to me that you had some knowledge of the sugar frauds discovered by a man named Bradley, who shortly thereafter was killed; state to the committee any knowledge or any information you have with reference to those frauds, and also with regard to the

killing of Bradley.—A. To give the years and dates I should have to jog my memory considerably. I knew Mr. Bradley after he retired from the police; he got a position in the custom-house, and he came to me and he said, "You are very familiar on the levee; perhaps you can be of some assistance to me. I am attempting to get up these sugar frauds." I told him I thought I could be of some assistance. I could refer him to some. My evidence was in writing, and has been before in Washington. I cannot give it exactly now, because my memory is treacherous.

Q. You can state it to the best of your knowledge and belief.—A. Well, we met at different times on the same business. He was in the collector's department, and was employed in the naval office by Mr. Dillingham. I told him of certain sugars that had landed on the levee in boxes; there was a certain number on one ship—I don't recollect the steamship's name now—that was weighed by average. There was somewhere about twelve hundred or fifteen hundred boxes of sugar, which were weighed within 2½ hours to my knowledge, and that was not a proper way of weighing sugar, because I had been chief weigher at the time I resigned from the custom-house, and I knew that they should have weighed every box of sugar, and when it was weighed it should be classed by classes for the appraiser's department. I saw this sugar after it was weighed, and I think it was consigned to a man down on Custom-house street, Mr. Chaffraix. I told Bradley of that, and that that sugar was weighed irregularly, and that I had seen the deputy weigher with his men after they got through weighing receive a box of sugar for weighing it in that way, for the dispatch of business, and that I saw them when they divided the money *pro rata* among them for doing so. I also intimated to him that there was another house down town, Coutrie & Co., whose warehouse might be examined. He went there and said he could not get access there, and I told him, "Now, Bradley, if you are going to make a report you keep a copy of your report and hand the other one in." He said he had done that. He showed me one report to Mr. Dillingham. I didn't read the report to know what the substance was, or to recollect it now.

Q. You say you don't recollect it now?—A. I don't recollect the purport of the report. I know it was a report concerning this sugar, and he told me several times that Mr. Dillingham didn't want to examine the sugar. A few days after this report, he assured me he was going to talk to Dillingham. I went into the custom-house with him, and went with him as far as the naval office. There he went into Mr. Dillingham's private office, and I went into the room of the deputy, Mr. Jonah White, who was then deputy naval officer. When he came out he said that he believed that Mr. Dillingham would then examine into these sugars. The other times when I met Mr. Bradley I don't recollect particularly what the conversation was, but it was all concerning these sugars that were irregularly imported here.

Q. Have you any further information or knowledge about the sugars?—A. Nothing further about the sugars.

Q. Do you know or not whether these sugars were seized, condemned, and sold?—A. I heard they were.

Q. Do you know whether Mr. Bradley got any portion of the money?—A. I don't think he did. I know he didn't himself, before he was killed.

Q. Do you know anything about the facts of Bradley's death?—A. No, sir.

By Mr. CONGER:

Q. When was this sugar transaction that you refer to?—A. It was about the time of Perry Fuller's administration.

Q. Was that part of the sugar matters that were investigated, and in which the sugar was seized, about which we have had testimony?—A. Yes, sir; it was about that seizure of the sugar for frauds.

By the CHAIRMAN:

Q. Did the sugar frauds with which Bradley was connected occur so far back as Perry Fuller's administration?—A. Yes, sir; that is, the one that I had reference to.

Q. Can't you recollect the year in which these sugars were seized?—A. I think it was 1868. I am not certain of that, however.

Q. Eighteen hundred and sixty-eight was the year of the presidential election?—A. It might be 1869.

Q. Who was President when the sugars were seized?—A. Andy Johnson was acting President when these sugar frauds were. Afterward, when the seizures were made, it was Colonel Casey that was collector.

By Mr. CONGER:

Q. These frauds were committed in 1868?—A. I am not positive about the year.

Q. It was in the winter of 1868-'69, wasn't it?—A. I am not positive about the year, but I know it was while Andy Johnson was President of the United States.

Q. Was not the seizure made the 1st of April, 1869, under Mr. Casey's administration and shortly after he came into office?—A. I think it was; I am very certain it was.

By the CHAIRMAN:

Q. I understand you to say that you have no knowledge or information of a shipment of a

lot of whisky through the custom-house which was, in fact, water?—A. I have no knowledge of it; that is, is no satisfactory proof of it.

Q. Have you any knowledge of a shipment of whisky for exportation through the custom-house on which drawback was received, but which actually never was exported?—A. No, sir.

NEW ORLEANS, LA., June 8, 1876.

AUGUSTE COUTURIE sworn and examined.

By the CHAIRMAN:

Question. What is your occupation and where is your residence?—Answer. I have no occupation at present; my residence is No. 104 Kerteret street, New Orleans.

Q. Were you or not interested in certain sugars that were condemned by the Federal Government?—A. Yes, sir.

Q. What year was that in?—A. In 1869.

Q. What was the quantity of the sugar so condemned?—A. Part of the sugar was condemned, and part was not. I do not remember exactly how much was condemned.

Q. Do you recollect how much the sugar sold for?—A. The sugar was sold for from about \$475,000 to \$500,000.

Q. Have you any knowledge of the disposition of the proceeds arising from the sale?—A. Of those proceeds there was, first, some \$30,000 paid to the collector and other officers. The sugars were not seized by the Government; they were seized by my agent.

Q. By your own agent?—A. Yes, sir.

Q. Do I understand, then, that the sugars were not condemned although the proceeds were attached?—A. No, sir; the sugars were first condemned, and afterward returned to me on a compromise with the Government.

Q. What was the amount that you paid?—A. I paid first the amount of duty. I do not remember exactly the amount. It was about \$157,000. The amount of duty and the penalty was \$165,000, I think, as near as I could come to it.

Q. That was as penalty?—A. As penalty.

Q. Do you know what disposition was made of that amount?—A. Of that last amount there were some \$30,000 that was paid to the officers of the Government first, and, afterward, 30,000 odd dollars more was paid to them again. That makes 60,000 odd dollars. The balance is still in the United States Treasury.

Q. Do you know what the names of the parties are to whom this sixty-odd thousand dollars were paid?—A. One-third was paid to James F. Casey; one-third was paid to Mr. Dillingham, and the other third to James Longstreet.

Q. Do you know who first discovered these sugars—who was the first person to report any irregularity with these sugars?—A. I have not the slightest idea. The first notice I had of it was by an article I saw in the papers in the morning to the effect that there was a great fraud in the sugars, and that my sugars should be seized the next day.

Q. Have you any knowledge of a man by the name of Bradley in connection with this matter?—A. I saw Mr. Bradley going to my office to sample the sugar.

Q. Do you remember his first name, and who he was?—A. No, sir; I do not know his first name. I know when he came to get a sample, he showed me a commission from the collector of the port, to take samples of my sugars.

Q. Have you any knowledge or information as to the fact that he was the first person to report these sugars?—A. No, sir.

Q. Have you any knowledge of the circumstances of his death?—A. I know he was murdered in the first district somewhere.

Q. Are you in possession of any knowledge going to connect his death or murder with these sugars in any way?—A. I have no positive facts.

By Mr. REILLY:

Q. Why did you pay this sixty-odd thousand dollars; was that a premium?—A. I paid more than \$60,000.

Q. I mean the \$60,000 that was divided among these three officers?—A. That was divided in Washington, not by me.

Q. Did that money go into the Treasury first?—A. Yes, sir.

Q. And those parties got one third of the \$60,000 that you have named, from the Treasury?—A. Yes, sir; from the Treasury.

Q. Did you understand, at the time that you made the compromise, that you were to pay the forfeiture for the seizure the same as if the property had been condemned and sold by the Government?—A. The compromise read that I should pay so much for the release of the sugars outside of the duty.

Q. Was there anything specified in the compromise as to why that was, or what disposition should be made of the amount that you paid in excess of the duty?—A. No, sir; the

law regulated this; according to law, one-half of that amount, if there was an informer, should go to the informer; one-fourth to the officials of the custom-house, and the other one-fourth should remain in the Treasury.

Q. That is, in case the seizure is made and there is a condemnation, such is the disposition made of the proceeds of the sale?—A. Yes, sir.

Q. Did you understand the law to be that the money you paid in compromise was to be paid in the same way?—A. No, sir; there was nothing stipulated as to that.

Q. Had these sugars that had been seized passed through the custom-house?—A. Yes, sir; they were in the custom-house, and they had been all liquidated.

Q. That is, the duties had been liquidated and you had given bonds?—A. Yes, sir; I had given bonds for double the amount of the duties.

Q. What was the alleged fraud, then, on which they based the seizure?—A. Up to to-day I am to know it; I have yet to learn it.

Q. Where were the sugars at the time they were seized?—A. In the United States bonded warehouse. They had been there three or four months previous to the seizure.

Q. Your bonds had been regularly filed and approved by the collector?—A. Yes, sir.

Q. How long after the seizure was it before you made the compromise?—A. About a year, I think.

Q. To whom did you pay the money?—A. I paid it to the custom-house.

Q. Here?—A. Yes, sir.

Q. You paid no portion of it in Washington direct to the Treasury there?—A. No, sir.

Q. You paid it all here?—A. Yes, sir.

Q. Did you know this man Bradley?—A. I knew him by sight.

Q. How long after you made the compromise was it before the time when he was killed?—A. Fully two years—eighteen months or two years.

Q. Was this matter of the seizure, the disposition of the money, and all that sort of thing still pending when he was killed, or had the case been fully considered?—A. I understand now that the heirs of Bradley are still claiming the moiety.

Q. That is, they claim the informer's moiety?—A. Yes, sir; the moiety of the informer.

Q. With whom did you make the terms of the compromise?—A. The terms were made in Washington.

Q. By whom?—A. By my agent there—my attorneys in Washington.

Q. Was it made with the officials at Washington or the officials in the custom-house here?—A. The officials at Washington.

Q. State whether you have heard of any connection between the killing of Bradley and his connection with this seizure.—A. I heard a good deal about it. It is very strange that the three men who were claiming the moieties in that sugar case were all killed.

Q. Who were the three others that were claiming the moiety?—A. F. W. Perkins and Long.

Q. What was Perkins?—A. Perkins was claiming a share; they were claiming it altogether, conjointly.

Q. Bradley and Long claimed it?—A. Yes, sir.

By Mr. WHITAKER:

Q. You do not claim that Long was claiming a share, do you?—A. No, sir; but he was to be the attorney of the other parties. He was district attorney at that time.

Q. How near together were these men killed?—A. Within a very short time; they were killed one after the other.

Q. Give us an idea of that; was it within a month, a week, or three months?—A. It was not so long as three months; before I answer, I would like to refer to dates.

Q. Was it within a few weeks or days?—A. Within a few weeks—several weeks.

NEW ORLEANS, LA., *June 8, 1876.*

WILLIAM USHER sworn and examined.

By the CHAIRMAN:

Question. Were you at work on the custom-house building here?—Answer. Yes, sir.

Q. When?—A. In 1873.

Q. How long did you work there?—A. I could not tell; I suppose about nine weeks.

Q. How much were you paid?—A. Two dollars and fifty cents a day.

Q. What were you working at?—A. Fluting the columns.

Q. Were you working at your trade as a stone-cutter?—A. Yes, sir.

Q. State whether you signed any pay-rolls.—A. Yes, sir.

Q. How often?—A. I could not tell you how often.

Q. Was it every month?—A. No, sir; I signed it at first every two weeks, and then afterward every fifteen days.

Q. You mean you signed them every fifteen days all the time?—A. I only signed them one time at fifteen days.

Q. And after that you signed them every month?—A. I remember signing them twice afterward.

Q. How were they when you signed them?—A. Blank.

Q. Did you see those pay-rolls since?—A. No, sir; not since.

Q. You do not know how much they were filled out for?—A. No, sir.

By Mr. CONGER:

Q. Who did you work for?—A. Kurscheedt & Bienvenu; Mr. Hannon hired me.

Q. Was he foreman for Kurscheedt & Bienvenu?—A. Yes, sir.

Q. Who paid you?—A. Mr. Kurscheedt or Mr. Bienvenu.

Q. Where did he pay you?—A. At his office; at his place.

Q. You mean his store?—A. Yes, sir.

Q. Where did you sign the roll?—A. In the custom-house, and at his store.

Q. Once at the custom-house and once at the store?—A. I signed it three times altogether.

Q. Where did you sign it twice?—A. In the custom-house twice.

Q. You worked how long?—A. I could not tell you; I think it was about eight or nine weeks.

Q. Then you signed as often as your pay would come around?—A. Yes, sir.

Q. You do not know whether you were charged any more on the rolls than you received?
—A. No, sir; I never saw them

NEW ORLEANS, LA., June 8, 1876.

CHRIST. GEISER sworn and examined.

By Mr. REILLY:

Question. Did you work at the custom-house?—Answer. Yes, sir; I worked there from the 25th of May, 1874.

Q. How long did you work there?—A. I signed the pay-rolls at Kurscheedt's shop; we got paid every second Saturday, and after about the second or third pay I got we got paid every 15th of the month. Every time I signed three pay-rolls.

Q. How were the pay-rolls?—A. I could not see anything but one name. I had to put my name just underneath that man's name.

Q. Was there any amount on these pay-rolls, or how many days' wages it was for, or anything of that kind?—A. No, sir. Every time I signed, this man's name was on the roll, though he was not working at all. His name was John Warringer.

Q. Have you seen those pay-rolls since?—A. I saw some pay-rolls before the grand jury, but I could not find my name on them. I signed the pay-rolls myself, but I could not find my name on the pay-rolls, although I could prove by others that I was there. There are the names on them of the men that were working when I was there.

By Mr. CONGER:

Q. Who wrote your name?—A. Myself.

Q. Do you know all these men?—A. I know them all by face.

Q. Who was Dermet, and where did he live?—A. I do not know where he lives; I saw him yesterday.

Q. What do you know about John Warringer?—A. He was working on the same columns with me when I was working, and after the second week I came to the shop to work I had to sign underneath his name, and afterward he signed although he was never working.

Q. Have you seen him since?—A. I saw him since, but he has left the city.

Q. He is not in the city now?—A. No, sir.

Q. Who did you work for?—A. I was engaged by Mr. Hannon, the foreman of Kurscheedt & Bienvenu.

Q. Who did he engage you to work for?—A. Kurscheedt & Bienvenu.

Q. Did they pay you all they agreed to pay you?—A. They paid me all the time. Yes, sir; every time, they paid me as much as they promised to pay me.

Q. They did not cheat you?—A. No, sir; they did not cheat me, but my name could not be found on the pay-rolls that were before the grand jury, although I am sure that I signed my name.

NEW ORLEANS, LA., June 8, 1876.

WILLIAM COLGAN sworn and examined.

By Mr. REILLY :

Question. What is your business ?—Answer. I am a stone-cutter. I started to work in the custom-house on the 8th of January, 1875, and remained the month of January up to the 30th, a Saturday evening, when we were discharged. I never made any agreement for wages, but I was paid in Mr. Hannon's shop. I received \$42, though I only worked nineteen days. I signed blank pay-rolls.

Q. How much did you get per day ?—A. I don't know. I worked nineteen days and received \$42. I never made any agreement about wages.

Q. You did not have an agreement for any particular sum with anybody ?—A. No, sir ; I was polishing there, though I am a stone-cutter. I think he meant to give me \$38, but he put in the other \$4 as a bait, so that I would bite at it and say nothing.

Q. You signed the pay-rolls in blank ?—A. Yes, sir, I did, in Kurscheedt & Bienvenu's shop.

Q. Have you ever seen the pay-rolls since ?—A. No, sir ; I was never before any grand jury or committee before.

By Mr. CONGER :

Q. Who hired you ?—A. Mr. Hannon.

Q. Whom did you work for ?—A. I do not know really whether I was working for Kurscheedt & Bienvenu, but I think we were working for Kurscheedt & Bienvenu.

Q. Hannon was their foreman ?—A. Yes, sir.

Q. Where did you sign the pay-rolls ?—A. Up in Mr. Kurscheedt's shop.

Q. All that you signed were signed there ?—A. I only signed one. I only worked in the month of January.

Q. Were you paid there when you signed it ?—A. I signed it and was paid there.

Q. You do not know whether that pay-roll was charged any higher than what you received ?—A. I could not say, because I have never seen it.

By the CHAIRMAN :

Q. Were you ever called before the grand jury ?—A. No, sir ; I go away every summer. I am not here in the city very much.

Q. Did you sign the roll with your own hands ?—A. Yes, sir.

Q. Was it made out then in full or was it blank ?—A. It was blank when I signed it.

NEW ORLEANS, LA., June 8, 1876.

RAFAEL BERON sworn and examined.

By Mr. REILLY :

Question. How long did you work at the custom-house ?—Answer. I worked there five months and nineteen days.

Q. How much did you receive ?—A. \$40 a month ; I received \$1.75 per day.

Q. Did you sign the pay-rolls ?—A. Yes, sir.

Q. How much do you claim now ?—A. I do not know. I claim \$3 a day. I signed some pay-rolls in the custom-house.

By Mr. CONGER :

Q. Whom did you work for ?—A. Messrs. Kurscheedt & Bienvenu.

Q. Mr. Hannon hired you and Messrs. Kurscheedt & Bienvenu paid you ?—A. Yes, sir.

NEW ORLEANS, LA., June 8, 1876.

JOHN BRENNAN sworn and examined.

By Mr. REILLY :

Question. Did you work at the custom-house building ?—Answer. Yes, sir.

Q. How long ?—A. I worked about two days in the month of October, and ten days I was detailed at General Sypher's house.

Q. Is that all the time you worked there ?—A. That is all the time I worked in the month of October. I worked all the month of November and two weeks in December.

Q. What year was that ?—A. In 1874.

Q. Is that all you worked ?—A. Yes, sir.

Q. How much were you paid ?—A. The supposition was that I was to get \$1.75 a day. October I believe I got \$2. I got a full month's pay in November at the rate of \$1.75 a day.

Q. Is that what you were paid all the time you were working there ?—A. Yes, sir.

- Q. Did you sign any pay-rolls?—A. Yes, sir; I signed the pay-rolls.
 Q. How were they when you signed them?—A. Blank.
 Q. Have you seen those pay-rolls since?—A. No, sir.
 Q. You do not know how much they were filled up for?—A. No, sir.

By Mr. CONGER:

- Q. Who did you work for?—A. For the United States.
 Q. Who hired you?—A. Mr. Anderson.
 Q. You did not work for Kurscheedt & Bienvenu?—A. No, sir.
 Q. But you went there to work under Hannon?—A. I went to work under the Government.
 Q. You signed the pay-rolls at the custom-house?—A. Yes, sir.
 Q. You received your pay from the custom-house?—A. Yes, sir.
 Q. Through Mr. Morse's department?—A. Yes, sir.
 Q. You don't know how the rolls were filled up, though you know what you received?—
 A. No, sir; I am not positive about that.
 Q. Did you get what you were entitled to, and what you understood they were paying?—
 A. I got what the agreement was that I made to go to work.

By the CHAIRMAN:

- Q. You said the pay-rolls, when you signed them, were not filled up.—A. No, sir; they were not.
 Q. Was there anything on the pay-roll to indicate the amount of money you actually received?—A. No, sir; they were blank as could be. There was neither the price per day nor the amount of days.
 Q. Was any explanation given about why they were blank?—A. No, sir.
 Q. Did not that strike you as extraordinary?—A. I did think so, but I never made any inquiries about it, as a matter of course.

NEW ORLEANS, LA., June 8, 1876.

WILLIAM J. GALLAGHER sworn and examined.

By Mr. REILLY:

- Question. Do you reside in this city?—Answer. Yes, sir.
 Q. Have you been employed by the Government?—A. Yes, sir.
 Q. When?—A. In 1863, I believe, and 1864.
 Q. During the war?—A. After the fleet came up, at the time General Butler was here.
 Q. Have you been employed in any capacity about the custom-house here lately?—
 A. No, sir; not very lately.
 Q. Have you received any money there?—A. I received what I worked for.
 Q. When was that?—A. In 1863 and 1864.
 Q. But not since then?—A. I was hired as a laborer since.
 Q. When?—A. While Mr. Morse was here. It was for one month, and I got paid for it.
 Q. How long ago was that?—A. Before the last election.
 Q. In 1874?—A. Yes, sir.
 Q. What work did you do?—A. I worked outside among the people.
 Q. Outside around the polls, electioneering?—A. Yes, sir.
 Q. How much did you get for that month?—A. Fifty dollars.
 Q. Where did you get it?—A. In the custom-house.
 Q. Who paid it to you?—A. Mr. Brown.
 Q. Did you sign any paper for it?—A. No, sir.
 Q. Did you give any receipt for it of any kind?—A. No, sir; Mr. Brown paid me for services I did for him.
 Q. What services did you render, or what were you expected to do?—A. To go round electioneering.
 Q. Did you go round electioneering?—A. I did.
 Q. Who got you to go round electioneering?—A. There were a good many that went up there at the time, and our names were taken down.
 Q. What induced you to go up there and have your names taken down; what first put it in your head?—A. I was told to do it.
 Q. By whom?—A. The parties that told me are now dead.
 Q. What are their names?—A. The name of the party was Moran.
 Q. What did he tell you?—A. He told me to go right up in the custom-house and put down my name, and Mr. Brown would pay me for any services I would do for him. I went up and got some parties to come in and have their names registered, so as to vote. They did not know anything about it in this ward. That is all I did; I worked for him and got paid for it.

Q. What parties went up and got their names put down?—A. There were a good many, but I don't know their names.

Q. Who went with you, that you know of?—A. At the time I put down my name there was nobody but myself.

Q. Do you know anybody who got money there in the same way that you did?—A. I could not swear.

Q. You only got one payment?—A. That was all.

Q. Do you know what time in the month that was?—A. No, sir; I could not swear to it.

Q. Was it just before the election?—A. Before the election.

Q. Who was running for office at that election?—A. General Sheldon, and a great many more. I don't know their names.

Q. Who were you to work for?—A. The republican party.

Q. What people got you to work?—A. I just told you exactly the parties that told me to go to work.

Q. Was Moran the only one that spoke to you?—A. He is the only one.

Q. What did Moran tell you to do?—A. I was to electioneer for the party, and Brown was to pay me.

Q. Did you say anything about going there every day to report?—A. No, sir; I did not. It was not necessary.

Q. Did you go at all there?—A. I was at the custom-house off and on.

Q. Would you make any report when you went there?—A. It was not necessary to make any report.

Q. Would you see any one when you went to the custom-house?—A. I would see the same party I told you about.

Q. Who was that?—A. Mr. Brown.

Q. What would you say to Mr. Brown?—A. He would ask me if I had seen the parties, and I would say "Yes."

Q. What then would he say to you?—A. He would say that was right.

Q. Did he give you any instructions then?—A. He told me to try and get those that had not registered to do so.

Q. He told you to get their papers out for them?—A. Yes, sir.

By the CHAIRMAN:

Q. Did you give any receipt for this money?—A. No, sir; I gave no receipt for the money. I got the money without any receipt. Mr. Brown paid me.

Q. Can you sign your name?—A. He did not ask me to sign my name. He gave me \$50—five \$10 bills.

Q. Did you know who that gentleman was?—A. He was clerk, I believe, for Mr. Morse up-stairs, in the third story of the custom-house.

By Mr. CONGER:

Q. Was this in 1874?—A. No, sir; it was not 1874; it was the last election. I cannot tell whether it was 1874 or 1873. It was about a month or two before the last election.

Q. That is almost two years ago?—A. Yes, sir; I guess that is about the time.

Q. You say Mr. Sheldon was one of the men you worked for?—A. I did not say I was working for Mr. Sheldon. He was running for office.

Q. Mr. Sheldon was not running for office in 1874?—A. I did not take particular notice whether it was in 1873 or 1874.

Q. General Sheldon was not a candidate in 1874.—A. He was running for Congress in 1873, I think. I could not exactly swear to the date. I know he was on the ticket I worked for.

Q. If he was not on the ticket in 1874, it could not have been that year that you worked for him?—A. I did not take particular notice of the date.

Q. Who did you say paid you the money?—A. Mr. Brown.

Q. Do you know what his first name is?—A. No, sir; I don't.

Q. Whereabouts did he pay you?—A. He paid me up-stairs.

Q. In what room?—A. He paid me in the third story.

Q. Do you know whose office it was in?—A. No, sir; I cannot tell you whose office it was in.

Q. Was it in Colonel Morse's office?—A. I cannot swear to that; he paid me up-stairs; it was in the other story, right over the collector's office.

Q. It was not in the regular custom-house office where they do the business?—A. No, sir; but it was in the building.

Q. You did not have anything to do with the custom-house officers as officers?—A. Not with those down-stairs.

Q. This was electioneering money that somebody paid you so that you should work for them?—A. Yes, sir.

Q. And you did work for them?—A. I did.

Q. You did not sign any pay-roll.—A. No, sir; they did not ask me to sign any pay-roll. He paid me money, and that is all I know about it.

NEW ORLEANS, LA, *June 9, 1876.*

THOMAS J. KINSELLA continued.

By Mr. CONGER :

Question. If you wish to make any further statement about Mr. Wright you may now do so.—Answer. I want to correct a statement I made yesterday, in which I stated that Mr. Wright was removed on my recommendation. That was my impression at the time. I find I was mistaken. There were suspicious circumstances connected with that matter, pointing toward him, but they were not sufficient to warrant my recommending his removal, as I am generally very careful not to recommend the removal of a man unless there are very good reasons for it. I stated these suspicious circumstances, however to the collector, who, on his own volition, removed him.

Q. Have you the date of his removal, or do you remember about what time it was?—A. I think it was along about the spring of 1870. I think it was in 1870 that the seizure was made. I can give you about the date. It was about the 25th of March, 1871, that the seizure was made, and Mr. Wright was removed soon after that—about the time I got through with my investigation.

Q. I understand you to say now, that, refreshing your recollection from memoranda you made at the time, you did not yourself recommend the removal of Mr. Wright?—A. I did not, and I stated so in my report to the Department, which I have looked over this morning. I merely reported the suspicious circumstances connected with the matter to the collector, and he himself took action. I did not consider the circumstances myself sufficiently strong to warrant any recommendation of removal, because the man might be innocent.

By the CHAIRMAN :

Q. You may now state any further information you have in regard to that salt matter and the ship *Pericles*.—A. The Secretary of the Treasury, by letter dated the 9th of January, 1871, inclosed to me a letter from Jackson, Kilpatrick & Henderson, which inclosure was dated January 4, 1871. In that letter to the Secretary, they charged that the firm of Jackson & Manson, on 5,582 sacks of salt, paid duty thereon at the rate of 18 cents per hundred pounds, while the proper duty was 24 cents per hundred pounds; and they stated that, up to the 1st of that month of January, no additional duty had been collected upon this salt. My report shows that I received the Secretary's letter of instructions ordering me to investigate this matter, at about half past 1 on the 13th of January. There is a reason why I have these dates down here particularly—not only the date, but the hour of the day as well. I find from my report that a few minutes before 3 o'clock I called at the office of Jackson, Kilpatrick & Henderson in relation to the charges which they preferred against the other firm. I did not find them in. Immediately after I received the Secretary's letter, I made inquiries about the transaction at the entry-desk, and I found that there was a deficit of some \$600 assessed against Jackson & Manson on this salt, and notice was sent them to come and pay it.

Q. How was the entry made?—A. The brokers, in making an entry, are required to extend the rate of duty in their entry. In this case, the broker, in the entry, described 5,582 sacks of salt, giving the number of pounds according to the estimated weight, and he extended the duty at 18 cents per hundred pounds. I examined the assistant entry-clerk as to how he could make such a mistake, and I have got here a copy of his affidavit.

Q. You may state the substance of that affidavit.—A. The substance of it is that, seeing the rate of duty extended at 18 cents per hundred pounds, he made a mistake in not changing it to 24 cents per hundred pounds. He claims that it was a mistake, and I think he also states that he was a new man at the time, but I am not sure about that.

Q. Do you know how the entry was made?—A. The entry was made at 18 cents per hundred pounds, and the duty was carried out accordingly, while it should have been at the rate of 24 cents per hundred pounds. I find that the weigher's return reports this salt in sacks. I find also that the inspector's return reports the salt as in sacks. I find also the vessel's manifest shows that the salt is in sacks. The entries are liquidated upon the returns of the weigher and the inspector.

Q. Who made the above entry?—A. It was made by Jackson & Manson. The entry is prepared by the brokers, and the merchants have to sign it and swear to it. I find that the entry was liquidated in the collector's office on the 7th of January, and that it was liquidated in the naval office on the 9th of January, and that, according to the regulations, the liquidation was posted up in the public hall upon the 9th of January. Those liquidations showed that the original error was corrected, and that the salt was liquidated finally at 24 cents per hundred pounds. I would call your particular attention to the dates here.

Q. How many days after the entry was first made, do you say that it was before the liquidation was made?—A. The first entry was made on the 13th of December.

Q. And when was the liquidation made?—A. The liquidation was completed in the collector's office on the 7th of January, and in the naval office upon the 9th of January.

Q. When was the correction made?—A. The correction was made in the collector's office on the 7th of January; in the naval office on the 9th of January.

Q. What is the rule as to entries of salt; how many days after the entry is the liquida-

tion made?—A. There is no particular time. The cargo has to be all discharged. The inspectors have three days to make up their returns after the salt is discharged. The returns go to the surveyor. He makes an examination of them. They then go to the naval officer and the collector. The returns are made in duplicate. Then they have to take their returns.

Q. Is it not customary to require all liquidations of salt to be made within ten days of the entry?—A. No, sir; a salt vessel of large tonnage has twelve or fifteen days to discharge.

Q. Did you have any notice of these facts or of any facts showing an irregularity in this entry until your attention was called to it by the Secretary of the Treasury?—A. None at all. The Secretary's letter directing the examination is dated the 9th of January.

Q. Did the Secretary of the Treasury direct you to make an examination?—A. He did; his letter is dated the 9th of January; and I find that in the collector's office the same was corrected on the 7th and in the naval office on the 9th. I received his instructions on the 13th.

Q. The entry was then corrected before you received his instructions?—A. The entry was corrected before any instructions came in the matter.

Q. Or before you had any knowledge of the facts?—A. Before I had any knowledge of the facts.

Q. Or before any report was made to your office about it?—A. I never had even an intimation of it.

Q. Did you make an investigation of the matter?—A. I made an investigation of the matter after I received my instructions.

Q. Did you have occasion to audit the books of the firm?—A. I did, but not in reference to this transaction in particular, but because Messrs. Jackson, Kilpatrick & Henderson in a letter intimated that an investigation of the books would show other frauds; I think that was the substance of this statement.

Q. Did you find any suspicious entries?—A. I found several suspicious entries in their cash-book.

Q. State, if you can, what some of those suspicious entries were—A. I found no entries at all with regard to this salt. I found several entries in their cash-book which looked to me very suspicious, and I addressed a letter to Mr. David Jackson, or to his firm, one or the other, requesting him or them to explain those entries, and what they meant. I found several items were for money improperly expended, not, however, improperly expended for the purpose of defrauding the revenue.

Q. Did you find any entry like the following, "Pay C. H. W. certain amounts."—A. I do not recollect; but I have them in my letter-book if I did.

Q. Do you recollect any explanation of this particular entry?—A. There was an explanation of several sums that he paid. He paid to the collector at the liquidating desk several sums, and he explained to me why he paid those sums. The clerks used to furnish him information as to the names of owners of vessels, and other information like that, and Mr. Jackson used to pay them \$10 or \$5 sometimes a head.

Q. Do you recollect of such entries amounting to \$100 or more paid at one time?—A. There may have been, but I do not recollect.

Q. Do you recollect the explanation which was given?—A. He gave me to understand that in the managing of his salt business he had to pay out a great many sums to other parties not connected with the custom-house.

Q. Did it occur to you at the time, or was there a suspicion in your mind that this entry, "C. H. W.," meant custom-house weigher, and was there any further evidence before you to strengthen that suspicion?—A. I have affidavits here that I took in that investigation, but I do not recollect what was developed, if anything, with regard to the weigher.

Q. Do you recollect another entry, "C. H. I.," and if any explanation was given about it at the time of that entry?—A. I would have to refer to my letter-book for those things.

Q. Do you recollect whether there was a suspicion in your mind at that time, or whether you had any information going to show that this entry "C. H. I." stood for custom-house inspector?—A. I think I had.

Q. Will you be kind enough to state that to the committee?—A. I think I had, but I do not recollect the inspector.

Q. Do you recollect whether or not the amounts so entered in the aggregate exceeded \$3,500?—A. O, no; I think not; not the amounts that I saw paid out.

Q. I mean the amounts entered to "C. H. W." and "C. H. I."—A. No, sir; I think not. I have a list of the items on my letter-book, but I did not read them. There are several of them on which I called for an explanation.

Q. Do you now recollect whether you took any testimony in the investigation of this case or not?—A. I did.

Q. Have you got that testimony?—A. I have here all the affidavits that I can find in my office.

Q. Have you all the testimony you took at the time?—A. I have three affidavits here, one from Blaquie and others from Thompson and Cross.

Q. Do you remember whether there was a gentleman by the name of Samuel Rousseau, who gave testimony at your investigation?—A. I think there was.

Q. Do you recollect whether he gave any testimony to the effect that he had been offered a consideration by Mr. David Jackson to make false returns?—A. I do not recollect.

Q. Have you got his testimony?—A. I have not found it in my file this morning. I found only just these three affidavits in this envelope.

Q. Have you not his testimony in your possession?—A. Not that I know of. If I took his testimony and reduced it to writing, I have got it. But I very frequently examine witnesses, and if their testimony is unimportant I would not reduce it to writing.

Q. The testimony was not reduced to writing, then?—A. I cannot say. I have not found his affidavit.

Q. If it was reduced to writing you would probably have possession of it?—A. I would probably have it, and in all probability it would be in that package.

Q. If it is not in your possession you are at a loss to account for its whereabouts?—A. I am at a loss to account for its absence here, if it was reduced to writing.

Q. Do you recollect whether Rousseau was about this time dismissed from the service?—A. I do not.

Q. Or whether he was discharged?—A. I do not know whether he was an inspector or not at all at that time; but you mentioned the name last night, and there is some familiarity in my mind with it.

Q. You do not recollect now whether he was a custom-house inspector or not?—A. I could very easily find out.

Q. You do not recollect whether he was discharged or not at that time?—A. No, sir; I know of only one officer discharged in connection with that transaction.

Q. Who was that?—A. He was the chief clerk of the marine desk.

Q. What was he discharged for?—A. He was discharged for receiving those sums of money from Mr. Jackson for furnishing information as to the ownership of vessels, and information like that. The law does not allow an officer to receive compensation for services of the kind. There is nothing corrupt in it, but it is not allowable.

Q. Did you examine Mr. Jackson in this investigation?—A. I did.

Q. Have you got a copy of his testimony?—A. No; I do not think I reduced his testimony to writing. He was the party accused.

Q. Do you recollect the explanation which he gave of his entries to which I called your attention a little while ago, of C. H. W. and C. H. I.?—A. I do not recollect the explanation he gave of them, but my recollection is that the explanation showed that none of those sums were for the purpose of influencing any officer to make false returns, or anything of that kind; I think the explanation went to show that some of it went to inspectors to hurry up work.

Q. But you have not got a copy of his testimony?—A. No, sir.

Q. Do you recollect whether or not he said that these sums entered to C. H. W. were for carriage-hire to warehouse?—A. He explained that some items were for carriage-hire to the warehouse; which items they were I cannot say.

Q. Did you examine, in order to ascertain the correctness of this explanation, a man by the name of Bernard Finnegan, who was a warehouseman?—A. I think I did; I did not take any testimony in writing.

Q. Do you recollect what his statement was with reference to this matter?—A. I cannot recollect it now. He may have told me that he had seen Mr. Jackson come there in a carriage, but I will not be positive upon it; this happened five or six years ago, and I cannot recollect all those little details; but with regard to the sack-salt, if there was a fraud in that, in letting that sack-salt pass as bulk-salt, in the first place, it would not be put on the manifest as sack-salt; and, in the second place, the broker would not describe it in writing as sack-salt on his entry; and, in the third place, the weigher would also have to be in collusion, and he would not return it as sack-salt in his return; then the inspector would not return it as sack-salt if he was not in collusion; and, then, in the naval office and in the collector's office there would also have to be collusion. All the papers would have to say bulk-salt.

Q. Notwithstanding these facts, the entry was so made and received?—A. Notwithstanding all these things, the entry was passed by an experienced entry-clerk at 18 cents a hundred pounds, but all the papers showed it to be salt in sacks.

Q. And no investigation or examination was made until your attention was called to it by the Secretary of the Treasury?—A. None at all.

Q. Did you report any of these facts or irregularities, or consult with the district attorney about them?—A. I had the district attorney make application to the United States district judge for a warrant to get possession of Jackson & Manson's papers and books; all the books I wanted in connection with those transactions lay in my office for a considerable time.

Q. Have you any recollection of the fact that a Mr. Joseph Cooper called on you and complained that a cargo of salt in which he was interested had been returned by the weigher a good many tons short of the invoice?—A. I do not recollect it unless you can bring some other circumstance up to recall it to my recollection.

Q. You have not now any recollection of investigating that?—A. I have no recollection of it.

Q. Have you any knowledge of it?—A. If I knew the name of the vessel and the time of the importation, I might be able to find something about it.

Q. Have you any knowledge of there being fraudulent custom-house pay-rolls in use in your jurisdiction?—A. I have not.

Q. Has your attention ever in any way been called to that circumstance?—A. No, sir; never.

Q. Have you any case of fraud or attempted fraud now under investigation?—A. At present, I have one case under investigation; but it is not for a fraud on the revenue, it is for a fraud upon individuals. I have a case of fraud over in Mobile, to be tried this month.

Q. I understood you to say that you have not now, and have not had since you were in office, any knowledge of the fact that parties who did no work for the Government, and rendered no service whatever to the Government, had their names on the pay-rolls of the custom-house, and received money from the Government?—A. The question that was first put to me was if I recollected any parties in 1872 on the pay-rolls without rendering any service. I understood you to refer to such rolls as have been described by the witnesses before this committee.

Q. I am speaking generally; you are in a position to supervise and overlook your department generally, and I ask you whether, since you have been in office, you have any knowledge of parties whose names have been carried on the pay-rolls or vouchers of any department in the custom-house who received money on those pay-rolls and vouchers, but who actually rendered no service to the Government?—A. I have very frequently found men absent from their post, and have reported them to the collector. In some cases they would be dismissed, and in other cases they would be put at their post.

Q. Do you mean to say, then, that you have no knowledge of such facts as I have referred to?—A. I have a general knowledge that men have been employed about election-times who had not been rendering service; but as to naming them, I cannot do it.

Q. Do you mean to say, then, that you have no knowledge of such facts as I have referred to?—A. I believe there have been such cases.

Q. Have you made investigation of this particular subject?—A. I have not, except that frequently I would go around and find men absent from their posts and report them.

Q. Have you any knowledge of an executive order which prohibits Federal officers from holding positions under the State government?—A. I have; and I think I was the cause of the issuing of that order.

Q. Do you know whether or not that order is enforced in your department?—A. So far as I know, it is; every time I find a man that holds such an office I report him. I do not know of any persons at present who are holding those duplicate offices.

Q. Have you made any examination to ascertain whether that order was being violated in any department under your supervision here?—A. I have given that matter, I think, my attention.

Q. I believe you said that you probably suggested the propriety of such an order?—A. I think it was a letter I wrote that was the cause of its being issued; and I would like to explain that matter a little further.

Q. What necessity had there arisen for such a letter?—A. Some years ago, a few months before the order was issued, I found that several Federal officers were members of the State legislature and of the senate, &c. I reported the matter to the chief supervising Treasury agent in Washington. I considered it bad practice, and my letter was laid before the President, as I was informed afterward, and the order was issued.

Q. How did you regard it as a bad practice; what were the reasons that induced you to take the extraordinary course of appealing to the President, or of writing a letter which should be read to the President, calling his attention to this fact?—A. I did not request that the President's attention should be called to it. My letter was simply to my immediate superior officer.

Q. Were the facts of such gravity that your chief in Washington thought it worth while to present your letter to the President?—A. I think they were.

Q. Have you a copy of that letter?—A. I do not know whether I have or not.

Q. Was it an official communication?—A. I gave several names of individuals who held Federal offices and held State positions at the same time, and I expressed the opinion that I considered it bad practice.

Q. Since any order was issued, have you taken pains to ascertain whether the remedy was sufficient?—A. I have.

Q. Do you know whether Mr. Sypher, of the construction department of the custom-house, is or is not a State officer?—A. Mr. Sypher does not come under my jurisdiction. He is not connected with the custom-house. Mr. Sypher is connected with the construction department.

Q. Have you any knowledge that a gentleman named Lucian Adams has been, since that order was issued, holding both a position under the State government and an office under the Federal Government?—A. I never knew that he had a position under the Federal Government. He never held any position in connection with the custom-house.

Q. You have, I understand you to say, no knowledge now that within your jurisdiction and the matters confided to your supervision there are any high State officials whose names are upon the pay-rolls of the Federal Government?—A. I have not; I was going to state that whenever I see an appointment to some State position of any person that I know holds a position connected with the custom-house, I look after it to see that he resigns that position in the custom-house at once. In that way I have paid attention to it.

Q. You have heard no complaint from any quarter that the State officials were being quartered in the custom-house, or that they were, in other words, on the pay-rolls of the Federal Government, and were drawing pay both from the State government and from the Federal Government at the same time?—A. I do not recollect any.

Q. And you have made no special investigation of the matter?—A. I generally have a list of the names of the employes of the custom-house in my office, and when I find any of them in a State position I report the matter to the collector, and the man has got to give up one position or the other.

Q. Has it come to your knowledge whether or not there were any business relations existing between this Mr. Masich, whom Mr. Wicker, the Treasury agent at Key West, suspected of having committed frauds against the department here, and Mr. David Jackson?—A. I do not. All that I know is that Jackson did have—I do not know whether he has now or not—the floor over Mr. Masich's office, and occupied it for storing boxes and packing; but as to the two men having any other connection now or at any other time in the past, I know nothing of it.

Q. And you do not know that one was bondsman for the other in reference to any particular bond that was given?—A. They may have been; that is a very common thing. Mr. Jackson has frequently signed bonds in the custom-house, and he might ask somebody he knows who happens to be there at the time to sign it for him. He is there to sign his bond himself, of course.

Q. Do you know whether it is a fact that he has ever signed Mr. Masich's bond, or Mr. Masich has signed his in any matter?—A. It seems to me that Masich is on his warehouse-bond, when I come to think of it.

Q. Do I understand you to say that their stores adjoin each other, or are close to each other?—A. No; the time when this investigation by Mr. Wicker took place in 1872 Jackson had the floor over Masich's office.

Q. Where, then, was Mr. Jackson's store?—A. Jackson's warehouse is away up above.

Q. Where did he have his office?—A. His office was down-stairs, I think, in the corner.

Q. Near Mr. Masich's store?—A. I think it was in the same building, but I will not be sure about that.

Q. The fact that these suspicions existed in the mind of Mr. Wicker, the Treasury agent at Key West, against Mr. Masich, taken in connection with the irregularity that you discovered in the cargo of salt on the ship *Pericles*, and the fact that Mr. Wicker declared he saw those boxes which he had been informed were at Mr. Masich's store, over Mr. Masich's store in Jackson's place, and the further fact that Mr. Masich was upon Mr. Jackson's bond—did all those circumstances and facts taken together create in your mind any necessity for a thorough examination into the shipments or receipts of these two gentlemen through the custom-house?—A. They did not create the slightest suspicion in my mind.

Q. You did not, in consequence of these facts, make a very thorough examination?—A. I did not know at the time that Jackson was on Masich's bond.

Q. When did you ascertain that fact?—A. It is some time ago. I was getting up a list of the warehouses. I frequently got a corrected list of the number of warehouses, the names of the store-keepers, &c.

Q. Do you know anything of a gentleman by the name of Sansoni, who has been in the employ of the custom-house?—A. Yes, sir; Sansoni has been store-keeper, and I find, on looking this morning over my papers, that he has been an inspector of the custom-house.

Q. Do you know whether he ever made a seizure of cigars, or a number of seizures, while in office? and, if so, state all about it.—A. Last night I said I did not know, because I had not looked at the records. I find from the records that on the 27th of February, 1871, Inspectors Sansoni and Chevalier made a seizure on board the American schooner *Ellen Fish* of several articles, cigars, fancy boxes, boots, &c.

Q. I wanted to inquire more particularly into the seizure you made at Algiers.—A. The vessel may have been lying at Algiers at the time. Attached to the papers, I find a paper from the deputy surveyor, addressed to the collector, stating that a man by the name of J. W. Winter was the informer. The seizure was made by Sansoni and Chevalier, but because the fact is that an officer makes the seizure, it does not necessarily follow that that officer is entitled to the moiety. If there is no informer, the seizing-officers get the moiety, but the deputy surveyor in this case reports Winter as the informer.

Q. Was there any claim set up by Sansoni?—A. I find on the papers no claim by Sansoni. He simply signs the seizure-report with Chevalier. That is all I find. Inspectors sometimes have an idea when they make a seizure that they are entitled to a share of the proceeds; but I found, very much to my grief, in the case of the vinegar-factory seizure, that this is not so. These goods were libeled, sold by the marshal, and the net proceeds, \$287.99, paid over to the collector, one-fourth of which, \$71.99 was paid to Winter. There was none paid to Chevalier or Sansoni.

Q. Do you know whether Sansoni was removed from his office or placed in a different department shortly after that?—A. I think it was after that that I found him in charge of a warehouse in Gretna, and I, by the way, recommended his removal from there.

Q. Were the cigars sold?—A. They were sold by the marshal; when the goods are libeled the marshal has the custody of them, and he is the responsible officer for them after that.

Q. You state, then, that you saw this gentleman in a warehouse after that?—A. Yes, sir; I have seen him several times.

Q. And that you recommended his removal?—A. I recommended his removal.

Q. What were the grounds for such removal, if they were such as you would not object to stating to the committee?—A. No, sir; I have no objection to stating them. I think I had heard that he used to leave the keys of the warehouse with the proprietor or the agent, one or the other, and I started for there early in the morning one day to see whether that was so or not. Mr. Sansoni and myself happened to cross together on the ferry, and I found the warehouse in full blast, and open when we got there. It is true that it was a warehouse containing iron and articles of that nature, which people would not be apt to steal, but still it was an irregularity that I was not able to overlook, and I think he was removed and restored afterward.

Q. Where do your duties cease in the event of a seizure; that is, your supervision?—A. If I make a seizure, or the officers assisting me make a seizure, we turn the goods right over into the store-room for that purpose in the custom-house. If they exceed \$500 in value, they are reported to the district attorney. He libels them. As soon as the district attorney libels them, the marshal takes possession of them under his right of seizure; they are then in his custody.

Q. Entirely beyond your supervision?—A. Entirely.

Q. You make no report to the regularity or completeness of the proceedings after the marshal takes possession?—A. No, sir; I have nothing further to do with it, except that if the case was contested in the courts, I would have to furnish the evidence.

By Mr. REILLY:

Q. When was this deficit in the estimate of the duty on the salt of Jackson & Manson paid?—A. I do not know the date of the payment. I did not look at that, because in this investigation I did not consider it material.

Q. Was it paid before or after you had occasion to look at the entries, or before you called the attention of the entry-clerk to it?—A. I have the notes upon that matter here now. I have stated before that on the 7th of January the deficit was liquidated in the collector's office, charged at twenty-four cents per hundred pounds, the proper rate. I find also that on that same day the amendment-clerk notified Mr. Jackson of the deficiency. That was on the 7th. I did not receive my instructions until the 13th. The Secretary's order ordering me to investigate was dated on the 9th.

Q. Did you learn that any complaint was made to the Secretary of the Treasury before you got the correspondence from him?—A. Not a word. I had not the slightest intimation of it.

Q. Do you know whether any intimation had been given to Jackson & Manson of this irregularity before the time your attention was called to it?—A. No, sir; I do not.

Q. Do I understand you to say, then, positively that the deficit was paid before your attention was called to it or the correspondence submitted to you?—A. No, sir. I do not know on what day the deficit was paid, but Mr. Jackson was notified on the 7th of the deficit.

Q. How did you discover that?—A. I discovered it from the amendment-clerk.

Q. The record appeared upon the books, did it?—A. Yes, sir. With regard to salt in sacks, although it was a gross mistake on the part of the assistant entry-clerk to let it pass at eighteen cents per hundred pounds, still, every other circumstance goes to show that no fraud was intended, because all the papers showed that it was sack-salt.

Q. But if there had been an understanding between the collector of customs, the party whose duty it was to see what amount of duties was paid, and the importer, could not that amount of duty have been paid at eighteen cents per hundred pounds instead of twenty-four cents per hundred pounds, although the former proceedings were regular?—A. It could not.

Q. Why not?—A. He would have to have the naval officer or the naval officer's deputy as well.

Q. Would the naval officer know anything about the amount of duties that had been paid after he had made the report to the officer?—A. The naval officer, at three o'clock every day, compares the collector's receipts with his books. Every dollar that is paid in the custom-house is registered in the naval office.

Q. Are you certain that that is done?—A. I am certain that that is done. Every day the books are compared, and if they do not agree it must be explained. For instance, the importer has to make his entry in the entry-office. The amount of his entries is registered in the naval office cash-book, so that for every entry at three o'clock every day the receipts are compared.

Q. Do you know whether that was done in this case?—A. I do not know whether it was done in this case.

Q. You only know that that is the general practice?—A. I know that that is the practice.

Q. In your investigations you examined the books of Jackson & Manson, and you stated that you discovered that some sums of money had been paid to some persons in the employ of the custom-house, and you still think that they were so paid for the purpose of defrauding the Government?—A. I did not find from all the evidence that there were any sums paid for the purpose of defrauding the revenue, but I found that there were sums improperly paid to persons in the employ of the custom-house.

Q. What amount did you discover to have been paid in that way?—A. Without looking at my book I cannot tell you.

Q. Can you approximate it?—A. I think there were some with the marine clerk; I think that altogether he got some \$80 or \$90.

Q. Did you discover upon the books of Jackson & Manson the cash-book entries of the character that the chairman has called your attention to?—A. I saw such initials.

Q. Did you find that any sums of money were entered upon the cash-book of Jackson & Manson that found their way, or had been paid to any custom-house official?—A. I think from recollection, but I will not be positive, that Mr. Jackson would pay the inspector a small sum to hurry up his work. I would not be positive about that now. I would want to look up my papers a little.

Q. You saw some such entries as "C. H. W." upon the cash-book of Jackson & Manson?—A. I think there were such entries.

Q. Did you find that any such sum of money so entered upon their books had been paid to any custom-house weigher?—A. I think not, and I think the honorable chairman suggested what Jackson's explanation of that was—that it was for carriages to warehouse.

Q. Did you take testimony to have that entry explained?—A. I took Mr. Jackson's verbal statement.

Q. And his explanation of it was that it was for cash paid for carriages to the warehouse?—A. That is my impression, but, as I said before, until I look at my report, I do not want to say anything positive on the matter.

Q. Do you remember that the total amount of cash so entered on their books amounted to over \$3,600?—A. I do not.

Q. Do you remember whether it was a large amount?—A. I do not remember whether it was a large amount or not, but I know it consisted of several items, all small amounts.

Q. Have you got any data by which you can refresh your memory in regard to that?—

A. I have got the items upon my copy-book, and all my testimony at this time upon those points is mere guess-work. I know from general recollection that that evidence did not show that there was any money paid for defrauding the Government of any portion of its revenue.

Q. You mean to say that the evidence you took satisfied your mind upon that subject?—

A. Yes, sir.

Q. But you do not mean to assert that that was the positive fact?—A. No; I should assert no such thing.

Q. You stated also that you discovered some irregularities in respect of this salt matter; what were they?—A. Just as I have explained—that the rate of duty was extended at 18 cents per hundred pounds, instead of at 24 cents per hundred pounds. The affidavit of the assistant entry-clerk who made that mistake is here.

Q. That was the only irregularity you discovered in that matter?—A. That is all.

Q. And that you considered a mere mistake?—A. I think it was.

Q. I think you stated, in answer to a general question by the chairman, as to what irregularities you had discovered, that you had discovered some irregularities from time to time in your investigations.—A. Yes, sir.

Q. Tell us now if the irregularities that you discovered in any of your investigations connected with persons in the employ of the custom-house.—A. I would have to shut down and think a little while. I recollect one at the start now: I had two deputy weighers removed two years ago for false weighing of pig-iron.

Q. What evidence did you have in that matter that convinced you that they had made false returns of weights?—A. The final conclusive evidence I got was the admission of one of them of the fact.

Q. Why did they make the false returns; what inducement did they have to do so?—A. I would have to refer now to my reports in reference to those things. I do not wish to speak at random. These things transpired five, six, or seven years back.

Q. You stated that you had a general knowledge of persons being upon the pay-rolls about election-time, drawing money and rendering no service to the Government?—A. Yes, sir.

Q. Give us what that general knowledge consists of.—A. I saw them pretty thick around there during election-time. The last campaign I was not here in New Orleans at all.

Q. Do you mean in 1875?—A. No; in 1874.

Q. You know nothing about the campaign of 1874?—A. I was not here from away before election until long after it.

Q. How was it in other campaigns, if you can give us any more particular information concerning them?—A. There was only one campaign I recollect being here—1872.

Q. Approximate as nearly as you can the number of men that were hanging around, and

that you believed were on the rolls and drawing money from the Government although they rendered no service to the Government.—A. I cannot do that. I wish to state that I did not consider it my duty to interfere.

Q. From the position that you occupied and the opportunities it afforded you of observation, can you say whether there were as many as a hundred such persons in 1872?—A. I cannot say that there were.

Q. Can you say that there were not?—A. No; I will not say that there were not.

Q. You never attempted to make any investigation of the matter?—A. No, sir.

Q. Your reason was that it did not occur in the department which you considered under your jurisdiction?—A. That was in the construction department, and I had nothing at all to do with it.

Q. Do you give that as the reason why you did not investigate the matter?—A. I do not give that exactly as the reason either; but I will say this very frankly, that under all administrations, I suppose for the last fifty years, it has been the practice to swell up the force a little before elections. There is always a great deal to do before elections.

Q. Do you give that as your reason for not having attempted to correct these abuses?—A. I give that as a reason—the fact that it is the practice, and it would be a very useless thing for me to butt against the political power of the State.

Q. You are an intelligent man, and engaged in the business of supervising the business of the custom-house and detecting fraud, and I would like you to give us all the knowledge you have upon this subject, as to the men who were on the roll without rendering any service to the Government.—A. I cannot name one man.

Q. Have you any other reason for saying that such persons were so paid except the mere fact that they were around, as you say?—A. I heard it talked around the building several times.

Q. Tell us who you heard talk about it.—A. I heard several talk about it, I suppose.

Q. Give us the name of one person about the custom-house that you heard talk about it.—A. I cannot recollect the particular time, but I infer that I had it from the collector or his deputy, &c., around there.

Q. Without remembering the particular time, do you remember the fact that you did hear the collector and his deputies talk about it?—A. I suppose I did.

Q. I would prefer to have your best recollection rather than your supposition, if you have any recollection about it.—A. I think I have given you an answer. I am satisfied that the men were on the roll.

Q. I mean in regard to the fact whether you heard the collector and his deputy talk about it?—A. I heard it in general conversation. I do not recollect the particular time, but from general conversation I heard it frequently. That is how I know it.

Q. From these conversations, did you understand why the names of such persons were upon the rolls and were receiving pay?—A. I did.

Q. What did you understand was the reason?—A. For electioneering purposes. Whether they were all the time devoted to electioneering purposes or not, I cannot say.

Q. Were you ever asked to hand in the names of any persons who would be good campaign-men?—A. I was not; I have not had anything to do with politics here.

Q. Have you never suggested any names?—A. Not that I can recollect. I do not think I ever did.

Q. Are you quite positive on that point?—A. I think I am. I have not the slightest recollection of doing so.

Q. Are you prepared to swear positively that you did not?—A. I think I am. I recollect no circumstance which would prevent me from swearing positively on it.

Q. In any conversation that you heard about this matter in regard to the names of such persons being on the pay-rolls for the purposes of electioneering, can you remember anything that you ever heard said—any words, or the substance of the conversation?—A. No, sir; I have given you the general conversation that I heard several times. I cannot give the particular conversation, but that was the general tenor of it.

Q. The general tenor was that it referred to the services of these men as campaign-men?—A. That there were men there on the roll.

Q. From your observation of this matter, and from what you heard the parties say, can you say whether, to your knowledge, a knowledge of these facts was in the possession of the collector of this port? I mean to say, is it your belief that the collector at this port knew at the time that the names of such persons were upon the roll and that they were receiving pay?—A. Yes, sir.

Q. Do you know whether he directed any such names to be placed upon the rolls?—A. I know that he was cognizant of it.

Q. From your means of observation and these conversations, can you say that the deputy collector had knowledge of it?—A. I know that he had.

Q. Do you know whether he directed any names to be placed upon the roll, in that way?—A. I think he did.

Q. Can you give us any idea of the number of them?—A. No, I cannot.

Q. Can you approximate it?—A. No, sir.

Q. In your best judgment, from all the observation you had, give the committee the num-

ber of men you saw hanging around.—A. I cannot form any opinion from the number hanging around, for this reason, that there were men hanging around there all the time—applicants for office, and discharged men trying to get back. So the crowd you would see hanging around there would not indicate anything.

Q. Were you here in 1870?—A. I was a portion of the time.

Q. During the campaign?—A. I do not recollect any campaign in 1870.

Q. You have not any knowledge of any such practice prevailing in 1870?—A. No, sir.

Q. How about 1873?—A. There was no campaign then.

Q. The year 1872 is the only year you have any knowledge of?—A. Yes, sir.

By Mr. DARRALL :

Q. Where were you in 1874?—A. On duty, traveling along the northern frontier.

By the CHAIRMAN :

Q. If you were aware of this irregular practice, and of the further fact that the collector was cognizant of it, why did not you make a report to the Government about it?—A. I have stated before that under the circumstances I did not think it was my duty. It has been the universal practice from time immemorial to do just such things.

Q. What were the circumstances you refer to?—A. The circumstances were that it was an election-time.

Q. How do you know that this practice has existed from time immemorial?—A. I suppose from tradition.

Q. You mean the traditions in the custom-house here?—A. I think a tradition that is in force all over the country.

Q. In all custom-houses?—A. I do not say in all.

Q. In most of them?—A. I understand that it has been generally the practice. I have frequently heard so.

Q. When did you first enter the public service of the country?—A. In 1853.

Q. This department of it, do you mean?—A. The custom-house department of it, as deputy collector in Chicago.

Q. Where were you stationed?—A. In Chicago.

Q. How long were you stationed in Chicago?—A. I lived in Chicago until the fire; that was in 1871.

Q. Then the traditions there are pretty much the traditions of the Chicago custom-house?—A. No, sir; the Chicago custom-house was a small affair in those days; it has got to be a pretty large affair now.

Q. Did you feel it to be incumbent upon you, as charged with the supervision of all the offices connected with the custom-house, to make an examination of this practice here to see to what extent it was carried?—A. I did not.

Q. Why did you not feel it incumbent upon you to ascertain the dimensions of this practice?—A. Well, it is a matter that I have often heard and seen in the papers, that before election-time men are employed in the navy-yard, the numbers increased, and all that kind of thing. I did not think it incumbent upon me to investigate matters of that kind.

Q. Do you consider it proper that persons should be employed in the service of the Government, and the people of the country taxed to pay those persons so employed to work for political purposes?—A. I do not.

Q. If you then consider it improper, do you not now think that it would be your duty, in a given case, to make a thorough examination of this irregularity?—A. I think not under the circumstances I have stated.

Q. Do you think now under present circumstances it would be your duty to make an examination of that kind? An election is now approaching, of vast moment to the people of this country, and you occupy here a position charged with great responsibility. Do you think it would be a part of your duty to ascertain how many persons, in a given case, were carried on the pay-rolls of the custom-house of this city for mere political purposes?—A. Well, that would depend on circumstances.

Q. From the light that is now before you, from the circumstances which now surround you, from the investigations made by this committee, or from any knowledge that you may have on the subject, do you think it would be proper for you to make an examination into this matter?—A. I do.

Q. In other words, this has existed as a practice until it has become a usage of the custom-houses of the country, and you think it is high time that it should be broken up?—A. I do.

Q. Why have you changed your opinion of your duty under these circumstances?—A. I think that if the testimony produced before this committee is true, it ought to be broken up. I mean the testimony that has been introduced with regard to fraudulent rolls.

Q. Has the testimony which has been produced before this committee been of such weight in your own mind as to convince you that it would be your duty now to make an investigation into this irregular practice?—A. Do you mean to make an investigation into the past?

Q. An investigation at any time.—A. I do not consider it would be necessary to make an investigation now into the past; I think that is getting to be very fully investigated just now.

Q. Would you deem it of sufficient importance now, in the view of a pending election—an election close at hand—to institute such proceedings on your own part, so that you might get information as to the fact, if it existed, that this irregularity was continued?—A. I would certainly do it to prevent a repetition of the past.

Q. Would you feel yourself bound, in the event that you discovered such irregularities in the coming election, to make a report of them to your superior officers in Washington?—A. I would do it then, most assuredly.

Q. If you would feel it to be your duty to make it in the coming election, why did not you feel it to be your duty to do so in the election of 1872?—A. For this additional reason, that I supposed it was understood in Washington that this additional force was allowed, and so understanding, I did not feel it my duty to interfere in it.

Q. If then you ascertain now that the policy at Washington is to permit an increase of the force in the custom-house for political purposes merely, would you feel it incumbent upon you in that state of facts to declare these irregular practices to your superior officers in Washington?—A. My action would depend altogether on the fact whether I believed such action was authorized or not.

Q. Do you think it would tend to secure efficiency in the administration of the public service, so far as your observation has extended, if these officers were made independent of political patronage and appointment?—A. I am decidedly of that opinion, and was long ago. I think that until there is more of permanency in those positions than there has been in the past that a proper degree of efficiency and integrity will never be secured, and I will further say that I do not think that will be ever accomplished until a law shall be passed imposing a heavy penalty on members of Congress and United States Senators for interfering, directly or indirectly, in securing appointments to these positions, or in securing removals.

Q. Are you familiar with the methods of the British system of civil service?—A. I have a general idea of it; I understand officers are never removed except for cause.

Q. And there is a thorough system of examination as to competency?—A. Yes, sir; there is a system of promotion; they begin from the bottom and work up, and when the officers become superannuated, they retire on pension.

Q. You have stated that you thought that these irregularities here existed with the permission of the authorities at Washington, or, as I do not wish to overstate your views, would you prefer to say with their knowledge or acquiescence?—A. I will state this, that I think the authorities at Washington knew of the increased force and authorized it, but I had no knowledge that they considered that this increased force was entirely employed for political purposes.

Q. But you had that knowledge?—A. I had that knowledge to such an extent.

Q. Why did not you convey that knowledge to the authorities at Washington?—A. I had a knowledge of it to this extent, that I knew some of them were attending political meetings and attending to politics in general.

Q. Why did not you convey this knowledge you had to the Secretary of the Treasury?—A. I did not consider I was bound, under the circumstances, to do it.

Q. Had you reason to believe that such information was not desired in Washington?—A. No, sir.

Q. Or that it was not expected of you?—A. No, sir; I have no reason to believe it.

By Mr. REILLY:

Q. Do you know at this present time whether there are any persons in the employ of the custom-house who hold State positions?—A. I do not.

Q. For instance, members of the State legislature or the State senate?—A. No, sir.

Q. Do you know of persons who hold such positions in the custom-house resigning only on the day the legislature met and being re-instated in the custom-house the day that it adjourned?—A. Yes. I would not say the very day it sits and the day it adjourns, but about the time.

Q. Has that occurred during the session of the legislature just closed?—A. I think it has.

Q. With what number of persons?—A. I know of but one.

Q. Who was that?—A. Mr. Bechtel.

Q. What position did he occupy?—A. I think he was secretary of the senate.

Q. Is he in the custom-house now?—A. I think not.

Q. Do you know a man by the name of A. J. Couzan?—A. I do not.

Q. Do you know a man by the name of C. F. Glandin?—A. I do.

Q. Was he in the employ of the custom-house?—A. I think he is at present.

Q. Does he occupy any public position in the State senate?—A. He did at one time.

Q. Was he then in the employ of the custom-house?—A. I think not, while he was senator.

Q. I mean exclusive of the time when the legislature was in session?—A. I forget how long it is since Mr. Glandin was in the State senate, or whether it was before or after this order of the President; I cannot say.

Q. Do you know a man named L. Guichard?—A. I think he is in the service. There was a Guichard in the service some years ago.

Q. Was he in the service at the same time that he held a State position?—A. I think

that was before the order of the President. I think he was a member of the legislature at the same time, if I do not mistake, but I won't be positive.

Q. How many boxes of these cigars that you seized at the vinegar-factory had revenue-stamps on them?—A. Not a single box.

Q. Were there either customs or internal-revenue stamps on them?—A. There were neither internal-revenue nor customs stamps on them. As I said when I was examined on the subject before, it would be very absurd for the owner of stamped cigars to conceal them with smuggled cigars.

Q. Do you know anything about the employment of persons in the custom-house who had been dismissed from other branches of the Government service?—A. There were two men, Mr. Todd and Mr. Hannon, and I think Mr. Thomas also. I will not be sure about them. They had, I think, been in the internal-revenue department, and I never knew that they had been dismissed for any cause. In fact, I did not know that Todd and Thomas had been in the internal-revenue department until they were indicted.

Q. Were they indicted while they were in the employ of the custom-house?—A. At the time they were employed in the custom-house they were indicted, and that is the first I ever knew of the fact that they had been in the internal-revenue department.

Q. Did you understand that they were dismissed from the internal-revenue department because of their indictment?—A. No, sir; I never knew they were dismissed from it at all until this came out.

Q. Do you know a man by the name of W. C. Ringgold?—A. He is the appraiser of the port.

Q. Do you know whether he has ever been dismissed from any other branch of the Government service?—A. No, sir; I do not recollect it.

Q. Did you understand that he was dismissed from the post-office because he was a defaulter?—A. There was no dismissal; as I understand it, there was an exchange of offices.

Q. Was he not alleged to be a defaulter?—A. I do not know anything about the post-office matters. There was a change in this way: the surveyor of the port was made postmaster and the postmaster was made appraiser.

Q. Could a man employed in the cigar-room have opportunities of discovering or detecting any attempts at fraud in the passing through of cigars fraudulently?—A. Yes, sir.

Q. Would it be difficult to pass goods through fraudulently without a man who was employed in that room for say a period of two or three years obtaining some knowledge of it?—A. It would be very difficult to pass cigars through the cigar-room without attracting the attention of a man who has been employed there one or two years.

Q. Do you know the witness George W. Ferguson?—A. I have seen him frequently in the cigar-room.

Q. Did he have a position that would enable him to acquire such knowledge, if such things were done?—A. He did.

By Mr. DARRALL:

Q. Is this marine entry-clerk that received this money still in office?—A. No, sir; he was removed at that time.

Q. For that cause?—A. For that reason.

Q. How about the weigher of pig-iron, about whose conduct there were suspicious circumstances?—A. He was removed the very moment I reported the matter to the collector.

Q. In regard to this salt matter, is your report in full on file in the Department?—A. It is.

Q. Speaking of C. W. Ringgold, you say he was former postmaster?—A. He was former postmaster, and he was transferred to the appraiser's department, and Mr. Parker, who was surveyor, was transferred to the post-office.

Q. Do you know that he was a defaulter?—A. I do not.

Q. You have no reason to believe that he was?—A. No, sir.

Q. Is J. H. Oglesby on the pay-rolls of the custom-house?—A. There is an Oglesby employed in the appraiser's department.

Q. Is that Mr. Oglesby the banker?—A. No, sir; it is a different person.

Q. Do you know the name of Oglesby, the employé of the custom-house?—A. I could not give you his initials; he is employed there all the time.

Q. Are you positive that this man Thomas was employed in the revenue department?—A. That I am not positive of.

Q. Do you know of any officers of the Federal Government other than custom-house officers who hold Federal and State positions at the same time in violation of the President's order?—A. I do not think of any just now. I was going to name Mr. Sypher, but he is not now holding a Federal position.

By the CHAIRMAN:

Q. Did you say that the testimony of the witness Rousseau taken by you in the investigation of the salt matter was reduced to writing?—A. My impression is that it was not, for the reason that I have not found his affidavit in the package I had this morning; I will not be positive whether I did or did not reduce it to writing.

Q. Did you have him sworn, and did he sign a statement under oath?—A. I generally swear witnesses, but sometimes before doing so I ask them what they know.

Q. Did this gentleman, Rousseau, sign a statement under oath?—A. I do not recollect that he did. I think if he did sign one it would be in this package. I would further say that I am not positive about his giving any testimony at all, though the name sounds familiar to me.

NEW ORLEANS, June 9, 1876.

JOHN L. BROWN sworn and examined.

By Mr. REILLY :

Question. How long have you lived in this city?—Answer. Since I was born, in 1838, except the time I was in the army.

Q. What is your business?—A. At present, I am a metropolitan policeman.

Q. In this city?—A. Yes, sir.

Q. State whether or not you have ever been employed in the custom-house at this port.—A. I was employed, I believe in the weigher's department, but I never worked in the building. I worked outside with the weigher.

Q. When was that?—A. March, 1870.

Q. How long did you work there?—A. Twenty-eight days I think it was. I think I reported on the third of the month, and worked until the first of the following month.

Q. Have you worked there since?—A. No, sir.

Q. Have you ever received any pay since then in the custom-house?—A. I received some pay to-day for the work I did there in 1870.

Q. Did you receive any money at any time before to-day in the custom-house?—A. I received some there.

Q. When was that?—A. Some time in October. I do not know exactly the date. It was October, 1874, just before the last general election.

Q. State how much you received then, and the circumstances attending it; you were not working in the custom-house then?—A. No, sir.

Q. State why you received that money, and how you came to receive it, and all about it.—A. Well, as well as I can recollect, I believe I received it for doing a favor for Mr. Herwig. That is what I was told at the time I received it. I was chairman of the commissioners of election appointed by the president of the Second ward republican club. It was an election held for the election of delegates to the parish nominating convention. Some one approached me, I think it was A. J. Brim, and told me if I could possibly make a favorable report of the election in favor of Mr. Herwig, and try to have him returned as a delegate to the convention, that Mr. Herwig would pay me for my services.

Q. Which Herwig is that?—A. P. F.; Special Deputy Collector Herwig. I think the election was on Saturday, but I am not exactly positive about that. I know it was on Sunday that I went to Mr. Herwig's office in the custom-house. He gave me \$50, I think it was, and told me I should go to work in the building. I was not to do anything at the time. I knocked around a few days, and they told me he did not have anything for me to do. I believe I was three weeks there. I was told to come back there and see Mr. Herwig, and I went on Sunday again, and he gave me \$25, and I never went there again any more until this morning.

Q. At the time you received this \$50, state whether you signed any paper or receipt or voucher, or anything of that kind?—A. I signed a paper, but I do not know what you call it. I could not say whether it was a voucher.

Q. Can you remember anything that was on the paper?—A. It had United States marked on it. I know that, but I do not know what it was.

Q. Was there anything else on it?—A. I never paid any attention particularly to it. He had a great many papers lying on the table which were something similar to this. [Half a sheet of foolscap.]

Q. Can you identify the papers?—A. I can identify my signature.

Q. Did you sign a paper when you got the second payment of \$25?—A. Yes, sir.

Q. Was it the same kind of a paper?—A. Yes, sir.

Q. In what part of the custom-house did you get this money and sign this paper?—A. I believe it is Mr. Herwig's private office. I am not much acquainted with the custom-house. I went into a private room where he was alone.

Q. Did any person go with you to the custom-house?—A. Yes, sir.

Q. Who was it?—A. I do not know whether I have any right to tell about anybody else. I think I am swearing for myself. I do not know as I have a right to implicate anybody else.

Q. You are sworn to tell the whole truth.—A. I will swear so far as I can. If I go to swearing about somebody else, I might be doing wrong.

Q. We think it is important we should know who went with you.—A. I can tell you who were the clerks and commissioners with me.

Q. Who went with you to the custom-house?—A. Perry King; he was commissioner of

lection. He was appointed the sametime I was, or a few hours before me. I believe the name of the clerk is S. B. Cheevers. He was the clerk of election. They were all employes of the custom-house except me, Perry King, and Cheevers.

Q. At that time?—A. At the time of the election.

Q. Were they present when this money was paid to you?—A. No, sir.

Q. Why did you understand you were to go to the custom-house and get this money?—A. The understanding was that if I would sign a favorable report, that is a report in favor of Herwig, and report him elected as a delegate from the Second ward to the convention, that Mr. Herwig would pay me for my services.

Q. You did sign such a report?—A. I did sign it after it was signed by the president of the committee and the secretary.

Q. And then you got your money?—A. Yes, sir.

Q. \$50 at one time?—A. Yes, sir.

Q. And \$25 at another?—A. Yes, sir.

Q. Has anybody been to see you about your appearing before this committee and testifying?—A. Yes, sir.

Q. Who?—A. A. J. Brim spoke to me here yesterday.

Q. Tell us who Mr. Brim is.—A. As far as I know, he is an employe of the custom-house.

Q. In what capacity?—A. I cannot say.

Q. Tell us what occurred between you and him about your being a witness before the committee.—A. He asked me in the room yesterday what I was here for. I told him I understood that I was ordered to report here to General Gibson, the chairman of the committee. He said, "What for; do you know anything about the custom-house?" I said, "I have no right to tell you what I know." He said, "I guess it is about your working in the custom-house and not getting paid." I said, "I do not know." He said, "I guess I can fix it. I can see that you get your pay. I will go away and get back before the committee adjourns, and I will see you." So during the time he was away, I was called in there. I spoke to you [Mr. Reilly] about it. He met me before the committee adjourned, and told me to meet him at the custom-house at 10 o'clock. I met him there and he took me up-stairs, and we waited a short time, and then he told me to come in the office, and I saw Mr. Herwig. Mr. Herwig talked with me awhile. He said I had worked in the custom house and had not received my pay, and he recollected something about it. I said, "You ought to recollect it; I have spoken to you often enough about it." He said, "I will arrange that matter; I will give you so much money now, and in a few days, when we get ready to pay off, you come back, or I will send you the balance." At first I said no, I would not do it, but then I afterward concluded I had better take that. I took \$25, and he told me to come back and get the \$31. He would send me word by Mr. Brim when I would get the balance.

By Mr. STEVENSON:

Q. Which Herwig was that?—A. P. F.; I never had anything to say to the rest of them except him.

Q. Who was present?—A. Mr. Brim was sitting in there on a sofa by the side of him. Mr. Herwig drew his chair up in front of me and told me what had occurred.

Q. Did Mr. Herwig say that this \$25 was on account of the twenty-eight days you had worked?—A. Yes, sir; and he said he would give me the \$31 balance in a few days; then afterward he said no, he would send me word by Mr. Brim.

Q. You got your money and came away?—A. I have got my money in my pocket now, just as it was given to me.

Q. When did you do the work?—A. In March, 1870. I was appointed on the 1st of the month, and went to work on the morning of the 3d.

By Mr. REILLY:

Q. Did Mr. Herwig or Mr. Brim say anything to you then about your coming before this committee?—A. Yes, sir; Mr. Brim told me he did not think it was necessary for me to appear before this committee, that I could not do the committee any good; my testimony would not do any good, and it would be best for me not to come if I could get out of it, and he said also for me to come here and to report to the sergeant-at-arms that I was compelled to go to my station and report for duty, and that if I did not report I would be dismissed. I told him I was coming here as I was ordered to, and I intended to remain if it took a year.

Q. Did Mr. Herwig say anything about your being a witness?—A. He said I need not say anything about his giving me the \$75; he said I need not say anything about that, because that was between me and him.

Q. These were the only occasions that you ever got any money from the custom-house?—A. That is all; in 1874, and this morning. I never worked in the building in my life except those twenty-eight days.

Q. Do you know of any persons who got money at the time you did who were not working there?—A. I cannot say that they got money, but I heard them say they got it; that was the same morning I got it.

Q. Who were the persons you heard say that they got money?—A. Perry King and S. B. Cheevers, who were the commissioner of elections and clerk of elections with me; we all went there. They said they received money, but I was not in the room at the time, and I could not swear that they did receive it.

By Mr. DARRALL:

Q. You say you got this money of the custom-house?—A. I do not say any such thing; no, sir; I say I got it at the custom-house.

Q. Do you know the various rooms of the custom-house; do you know where the cashier's office is there?—A. I believe I do. I went to a place where they paid me a check, once.

Q. Was that any of these payments you have spoken of?—A. Mr. Herwig gave me a check for \$50, and told me to go over there and get it.

Q. At the cashier's office?—A. Yes, sir.

Q. Where did you receive the money you got this morning; at the cashier's office?—A. No, sir; I signed a receipt for \$25 and I got a check on the Hibernian Bank for \$25. I started to come out with the check to the bank, and I was told by Mr. Brim that I was not known at the bank, and I would have to take some one with me to recognize me. I said "I am very well acquainted with the cashier of the Hibernian Bank." "Never mind," Mr. Herwig said, "I will pay you the \$25; just you indorse the check." I indorsed the check.

Q. How much was due you, do you understand?—A. \$31 more; the work amounted to \$56, so he said, and I got \$25 this morning.

Q. Were you a regular employé, sworn in at that time?—A. I guess so. I held up my right hand; they gave me a paper and told me to go to work, and to report to Mr. Eichols. He was weigher then at Algiers.

Q. What reason was ever given you for not paying you before?—A. I asked Mr. Herwig three or four days afterward what was the reason I could not get my money. He said it was an error of the clerks, and that my name was not forwarded on to Washington.

Q. Still, you had taken the oath?—A. Yes, sir.

Q. Why were you discharged?—A. I discharged myself.

Q. You quit working?—A. I quit because I could not get any money, and I would not work without my pay.

Q. You said you were not employed in the custom-house in 1874?—A. No, sir; I have not been there since the 31st of March, 1870.

Q. But you performed service for Mr. Herwig in some ward?—A. In the Second ward. I did a favor for him by signing the returns and returning him elected as a delegate.

Q. Why did you do that; was he elected or not elected?—A. The clerks and tally-men said he was elected.

Q. Then it was your duty to sign the return?—A. I suppose so.

Q. But still you would not do it?—A. I did do it.

Q. Did you do it before or after you received the \$50?—A. Before I received it. I was told, after I signed it, to go to Mr. Herwig, and he would give me some money.

Q. Did you understand that that was Government money or Mr. Herwig's money?—A. No, sir; I understood that Mr. Herwig was paying me the money himself. I did not inquire whether it was Government money or not.

Q. He was paying you for that favor you did for him personally?—A. Yes, sir.

Q. He was elected delegate?—A. Yes, sir; I think it was in October.

Q. What day of the week did you receive this money, as you say, at the custom-house?—A. It was on Sunday morning.

Q. Are you certain you received it at the custom-house?—A. I received it in Mr. Herwig's office.

Q. On Sunday?—A. On Sunday.

Q. You received the money on both occasions on Sunday?—A. As well as I recollect, both times it was on Sunday.

Q. You say that Mr. Herwig stated to you this morning that that transaction was a matter between you and him?—A. Yes, sir.

Q. And that it was not necessary to testify about it here?—A. Yes, sir.

Q. Did he say anything about this other transaction in 1870, that you should not testify about that?—A. No, sir; he did not tell me anything about that.

Q. He seemed to be willing you should testify about that?—A. Yes, sir; I had not been paid, and I wanted to know the reason why.

Q. The only thing he did not want you to testify about was this private transaction between yourself and him?—A. Yes, sir.

Q. And you received the money not on a business day but on Sunday, and from Mr. Herwig himself?—A. Yes, sir.

Q. What kind of a paper did you sign to-day for the \$25?—A. Just a piece of paper, "received \$25."

Q. That did not have any "United States of America" on it?—A. No, sir.

Q. In regard to the other receipts or papers in 1874, give us a full description of them, if you can; did you ever see a custom-house pay-roll?—A. No, sir.

Q. What kind of a paper was this?—A. The paper that I signed was about 12 x 16 in size, as well as I remember. I only took a slight look at it.

Q. Had it some printing on it?—A. Yes, sir; it had "United States of America," I know. It was lying on the table among a lot of papers, and he handed me a pen, and said, "Just sign that." Afterward I received the money. I am not positive what the paper was; I never read it.

Q. How long have you been employed on the police force?—A. I have been employed since January 22, I think that was the date, last year—1875.

By the CHAIRMAN:

Q. Are you on the police force now?—A. Yes, sir.

Q. What is now going to become of you?—A. I suppose I will be dismissed; I cannot help it.

By Mr. REILLY:

Q. Was this paper that you signed this morning the same paper that you signed before?—A. No, sir; it was a different paper.

By Mr. DARRALL:

Q. Why are you so positive that you will be discharged from the police force?—A. I say I might be; I do not know; I cannot say.

Q. Does Mr. Herwig run the police force?—A. I am not a police commissioner; I cannot answer that question. If I was on the police board I might answer it.

NEW ORLEANS, June 9, 1876.

JUDSON SARRAZIN, jr., sworn and examined.

By Mr. NEW:

Question. What is your business?—Answer. Tobacco.

Q. Have you any knowledge or information of any tobacco or cigars consigned to any person or persons in the city of New Orleans, going through the custom-house and received by them without having paid the custom-house and internal-revenue duty and taxes?—A. No, sir; I do not know anything regarding that.

Q. Have you any knowledge or information as to the prices of tobacco or cigars in this market that would go to show that they were lower than they could possibly be sold for at a profit, if they paid the duties?—A. Yes, sir.

Q. State all the information you have on that subject.—A. About two months ago persons came to the store where I worked, at Chartres & Conti, asking if they could possibly get any tobacco at 35 cents, and saying that there were pedlars around town selling it at that price; not only one came, but dozens of people. Mr. Flatow, the inspector of customs, came to the store and inquired and looked all over the factory, and asked us to give him returns of our tobacco sold, and stamps purchased, so as to compare it, and to see if it was we that were selling it at that price; he came there three or four times a week. That is all I know about the prices of tobacco.

Q. What is the lowest price you can sell tobacco at?—A. It can be sold at 40 to 42½ cents a pound, and no lower.

Q. Have you known auction sales of tobacco to have taken place lately, by which it could have been put on the market at this price?—A. No, sir.

Q. Do you buy cigars?—A. Yes, sir; I buy them from New York, and I manufacture some also.

Q. Do you import any from Havana?—A. I have not imported a cigar for the last two or three years, to my knowledge.

Q. Have you any knowledge of the price of Havana cigars in the market during the last two or three years?—A. \$80, \$75, \$90 a thousand.

Q. You have no knowledge of any irregularities in the importation of cigars in this port?—A. No, sir.

By Mr. DARRALL:

Q. Who do you say first came to you and notified you that tobacco was being sold at these prices?—A. Purchasers.

Q. Then, afterward, some officer came to your store?—A. Mr. Flatow, the officer of the custom-house, came and inquired if we could give him a report of the stock we had on hand at that time, to compare it with the list of stamps bought at the custom-house.

Q. Was he an internal-revenue officer, or a custom-house officer?—A. An internal-revenue officer.

Q. Did he visit your store frequently?—A. Yes, sir.

Q. He appeared to be attempting to detect any frauds there were?—A. Yes, sir.

Q. That was his business?—A. Yes, sir.

Q. Have you been in the tobacco business some time?—A. Yes, sir.

Q. Can you inform the committee whether it is not a fact that very frequently Havana cigars are sold here at much less than they could be sold at if they paid the duty?—A. I have heard it.

Q. But you do not know it positively?—A. No, sir.

By Mr. WHITAKER:

Q. What kind of tobacco was it?—A. Smoking tobacco.

Q. Havana or American?—A. American.

By the CHAIRMAN:

Q. Why was Mr. Flatow making inquiry about this, if it was American tobacco that was selling at such a low rate?—A. It was tobacco that was got here by manufacturers, and put on the market without paying any revenue tax—selling 10 lbs. or 20 lbs. at a time without paying tax on it.

NEW ORLEANS, *June 9, 1876.*

DENNIS F. MELVILLE sworn and examined.

By Mr. NEW:

Question. Where do you live?—Answer. 288 Eighth street.

Q. How long have you lived in New Orleans?—A. I have lived here since 1862, off and on; in Texas and here steady since 1869.

Q. State whether you have at any time acted as deputy United States marshal.—A. Yes, sir; at last election I acted as deputy United States marshal.

Q. You mean the election of 1874?—A. Yes, sir; 1874.

Q. About what time was it that you were appointed to act as United States deputy marshal?—A. I got my commission the latter part of October, 1874, just before the election.

Q. Who first talked with you about your acting as United States deputy marshal?—A. Mr. Allain.

Q. Is he State senator?—A. Yes, sir.

Q. Was he a State senator, or only a candidate for State senator at that time?—A. He was a candidate.

Q. In what part of the State did he reside?—A. West Baton Rouge.

Q. Where did you have your first conversation with him?—A. New Orleans, in the city.

Q. What was then said by you and him on that subject?—A. He asked me if I would not assist him in the canvass, and he said he would pay my expenses and pay me so much besides, and he asked me to employ others.

Q. How much did he say he would pay you?—A. Seventy-five dollars. He said he would pay me more than \$75 and my expenses.

Q. That \$75 was for what length of time?—A. For one day's time; that was all.

Q. During the time you acted as deputy marshal?—A. Yes, sir; it may not have been that; we were up there some time before we got our commission.

Q. The whole sum he was to pay the others was \$75 and their expenses?—A. Yes, sir.

Q. He was to pay you more than \$75 and your expenses?—A. Yes, sir.

Q. Was the amount fixed, or was it left indefinite in that way?—A. It was left indefinite in that way.

Q. Did you enter upon his service in that matter before you received your commission; and, if so, where did you go, and what did you do up to the time you received your commission?—A. We went through the parishes with him, helping the canvass around the different wards.

Q. Who was it that went through the parishes besides yourself with him?—A. Mr. James Clark and James Worden, Philip Bulger, and another Clark; there were two J. Clarks.

Q. Did they live here in the city?—A. Yes, sir; except one Mr. Clark; he was a newspaper man; he belongs in Baton Rouge; he was down here with Mr. Allain; he had been employed out there in the newspaper business.

Q. Was he one of the number that was employed?—A. Yes, sir; he had his commission in his pocket. I saw it.

Q. How long had you been in Allain's district before you got your commission?—A. About two weeks, I think.

Q. Do you know whether the other persons named by you received commissions at the same time?—A. Yes, sir, they got their commissions all together in the office, except two men in the lower portion of the district. Their commissions were brought to them.

Q. State the names of those who received their commissions in the office.—A. The two

James Clarks, Philip Bulger, James Worden, myself, a man by the name of William Hogue, who belonged in West Baton Rouge.

Q. What office do you mean?—A. Allain's little office in Baton Rouge, where he transacts his business.

Q. What was his business?—A. It was an office he opened for the campaign.

Q. How were those commissions delivered to you; were they in envelopes, or were they just handed to you without being in envelopes?—A. They were handed to me without being in envelopes.

Q. Did you receive at the time these commissions were delivered to you anything else than the commissions, as an evidence or badge of office?—A. Yes, sir; we received the badge, and we took the oath of office to sign. We were sworn in by Judge Woodworth, parish judge.

Q. What did that badge purport to be?—A. The badge of a deputy United States marshal or special deputy, I think; I forget now.

Q. Do you know by whom those commissions were signed?—A. They were signed by Mr. Packard; at least the signatures to them had his name.

Q. State what you did, and what those other persons did, so far as you know?—A. I gave some of them their instructions.

Q. How did it happen that you gave them instructions?—A. I was authorized by Mr. Allain to give instructions to the men.

Q. You were rather a leading man in that matter?—A. Yes, sir.

Q. What did you do?—A. I just told them to go to the polls and see that there was no disturbance on the day of election, and if there was any to make arrests.

Q. Did you all attend the same poll on election-day, or did you go to different polls?—A. We went to different polls.

Q. Did more than one of the number you have last named attend the same poll on election-day, or was there but one man for each poll?—A. I distributed them in this way: At the polls where the people were liable to make a fuss, I sent two men to each of those polls. There were three polls in West Baton Rouge and one in Iberville.

Q. Were you ever paid anything for your services?—A. Yes, sir.

Q. Who paid you?—A. Mr. Allain.

Q. How much did he pay you?—A. He gave me one hundred dollars and expenses.

Q. Do you know whether he paid the others anything or not?—A. Yes, sir; I saw him pay them \$75 each. He advanced a little money to them, but it amounted to that much all together.

Q. The final sum paid to them was \$75 and expenses, and to yourself \$100 and expenses?—A. Yes, sir; except one man, that was Mr. Clark; he was not there at the time.

Q. Did you execute to Allain any paper or papers when he gave you the money?—A. Yes, sir; I gave him a receipt.

Q. Did the others do the same?—A. Yes, sir.

Q. Do you remember what the receipt said or what was the language of it?—A. I wrote the receipts myself: "I have received from T. T. Allain the sum of so and so for services rendered."

Q. What did you do with your commission?—A. I have got it yet among my papers; I have not seen it for two years.

Q. Will you look to see if you can find it, and produce it before the committee to-morrow?—A. Yes, sir.

Q. State whether or not you were ever requested by any person in any manner to return that commission to the marshal?—A. Yes, sir; I was instructed to do so. I had a letter from Mr. Packard's office requesting me to return the commission, and so did the other young men.

Q. How do you know the others received them?—A. They showed them to me. Some said they would not return their commissions because they thought they might be good for something, and that they might get some pay from the marshal.

Q. Where is the letter you received from the marshal requesting you to return your commission?—A. I think that is among my papers also.

Q. Will you make an examination of that and return it here with your commission, if you can find it?—A. Yes, sir.

Q. You spoke of two other deputy United States marshals that are in some lower parish?—A. Yes, sir; they were in the parish this side of Baton Rouge; they were in the Third ward of Iberville Parish; they were Mr. Moran and Mr. White. I did not hire those men at all.

Q. Do not you remember their given names?—A. William Moran, I think, and Thomas White; I am sure White's name is Thomas.

Q. Do you know whether they received commissions?—A. Yes, sir; they had commissions; I saw their commissions.

Q. State what you did.—A. Just staid around the day of election.

Q. Did you do anything more than that?—A. Yes, sir; I myself did. I did considerable work for Mr. Allain, making up the returns and assisting him. His clerk was from Baton Rouge, and I did the work of writing up the returns; the clerk was a colored man, and was very incompetent, and I had to assist him in making up his papers.

Q. About how much of that did you do?—A. I did six or seven hours work.

Q. Where was that done at?—A. At the court-house, Baton Rouge.

Q. At the desk or table where the election-officers were making up the returns?—A. Yes, sir.

Q. State whether you aided in electioneering, or in work of that kind, for Allain?—A. Yes, sir; I did.

Q. Did you do that kind of work right along from the time of your appointment?—A. Yes, sir.

Q. Do you know whether those gentlemen you have named as deputies did the same thing or not?—A. I instructed them to do it.

Q. What did you say to them?—A. I told them to use all the influence they could, and to assist in getting the men together and voting for Allain, either for Allain's ticket or Allain; I did not care for the balance of the ticket.

Q. Do you remember whether the receipt you executed was executed as a receipt to the United States marshal, or was it just to Allain?—A. Just to Allain.

Q. Do you know who wrote the receipts for the other deputies?—A. I wrote the receipts.

Q. How were those receipts executed?—A. They were written by me, and just in the same manner as mine was.

Q. Were they receipts executed to Allain?—A. Yes, sir: just to Allain.

Q. Did you ever see any of the letters which you say were received by the other deputies from the United States marshal's office requesting them to return those commissions?—A. Yes, sir.

Q. You received one of the same kind?—A. Yes, sir.

Q. About how long was it after the election when those letters were received?—A. I think about four or five days afterward; it was a few days after we got in town here.

Q. Was there any reason stated in the letter that you received or in the other letters to the other men, so far as you saw them, why it was desired to have those commissions returned to the marshal's office?—A. No, sir.

Q. Where is Allain now?—A. He is at West Baton Rouge; he resides out there.

Q. You received \$100 and your expenses?—A. Yes, sir.

Q. And the others received \$75 and their expenses?—A. Yes, sir.

Q. What was Allain's occupation or business at the time?—A. I do not know, sir; unless he was a planter.

Q. Did you see him around the city much?—A. Once in a while; I believe he had been a member of the legislature once.

Q. Do you know whether his name was upon the custom-house rolls?—A. No, sir; I do not.

By Mr. REILLY:

Q. What was his given name?—A. I think T. T. Allain.

By the CHAIRMAN:

Q. What is he at present?—A. He is State senator, I believe, sir.

Q. He was a candidate at that time for the office he now holds?—A. Yes, sir; at that time he was.

By Mr. NEW:

Q. Were any of these elections held in the towns?—A. Not that I am aware of.

Q. Or were the elections held at points in the country?—A. Yes, sir; if you can call them towns; there are ten houses and a court-house in West Baton Rouge, and they are scattered.

Q. Did you have anything to do with the supervisors of election in that senatorial district?—A. No; except that I assisted one supervisor.

Q. What assistance did you render to him?—A. I helped to do some writing for him; I helped him to write up his returns and make up his reports.

Q. That was after the election, and after the votes had been cast?—A. Yes, sir.

Q. State, as fully as you can remember the facts, what it was that Allain wanted you to do and what it was that he said he wanted you for, and what, by the arrangement that was made between you and him, you were to do for him.—A. Well, he told me that he, being a colored man, was afraid to go into the canvass alone without some white friend.

By Mr. DARRALL:

Q. Afraid of whom was he?—A. The people.

By the CHAIRMAN:

Q. You mean the banditti up there?—A. Yes, sir; I suppose so.

By Mr. NEW:

Q. State what he said.—A. He said he was afraid, and he wanted some young man from the city to come to assist him; he was afraid to run on colored men alone.

Q. What did he want this assistance for?—A. To protect him and to give him assistance at the polls, to help elect him, the same as anybody would work at any polls.

Q. Did he state anything that you might be personally expected to do by way of assistance or protection to him; and, if so, what was it?—A. No, sir; he did not, but he thought by us being with him that the people would not bother him, whoever they were. I do not know how that was.

Q. Did he express any fear that there would not be a fair election, or that it would not be permitted that the votes should be cast and counted properly?—A. Yes, sir; he said the colored people would be intimidated unless there were some white people to stand by him and show him fair play.

Q. Did you see any intimidation?—A. No, sir.

Q. Or any effort at it?—A. No, sir; everything was very quiet.

Q. Was there any disturbance of any kind?—A. No, sir; not a bit.

Q. At any of these polls or precincts?—A. No, sir.

Q. Did you see any attempt to create a disturbance or to interfere with the rights of the colored people?—A. No, sir.

Q. Was there a canvass before the election?—A. Yes, sir.

Q. Did they go around making speeches; did Allain make any speeches?—A. Yes, sir.

Q. State whether you yourself or any of you accompanied him as he went around the district.—A. I did, and also Mr. Bulger and Mr. Clark.

Q. Now, about what period of time was occupied by that canvass while you were going around with him before the day of election?—A. We worked pretty hard for three or four weeks—about three weeks.

Q. And you went from place to place with him?—A. Yes, sir.

Q. Did you wear your badge as a marshal during that time?—A. No, sir; I only wore it on the day of election.

Q. Had you received your commission at that time?—A. Yes, sir; the badge came, and then the commission.

Q. But you did not put the badge on until the day of election?—A. No, sir.

Q. You had your commission, however, before you started out with him upon his campaign?—A. No, sir; I had been with him and Clark some time before the other men came up. I had been around before I got the commission.

Q. Were you around with him after you had got your commission and before the election?—A. Yes, sir.

Q. Was it known by the people who were present at the places where you were with him, that you were a deputy United States marshal?—A. I do not know; I did not tell them; they might have known it. I guess it might have been generally known, because there were two factions in the party. There was a party at Plaquemines, who were opposed to Allain, and I suppose they hinted around that I was a marshal.

Q. Did any of these other deputies you have named accompany you and Allain?—A. Yes, sir; Clark and Bulger.

Q. They went with him through his campaign part of the time?—A. Yes, sir; sometimes I myself would stay in Baton Rouge, and he would go to Plaquemines with some of the boys.

Q. When you were in Allain's neighborhood, where did you make your headquarters and where did you stop?—A. At East Baton Rouge, at the hotel.

By Mr. CONGER:

Q. You say you received your pay from Mr. Allain?—A. Yes, sir.

Q. And all the other men you have spoken of received their pay from Mr. Allain also?—A. Yes, sir.

Q. And a receipt for that pay was given to him?—A. Yes, sir.

Q. In his own name?—A. In his own name.

Q. Had you any connection with it, so far as the United States marshal was concerned, except to receive your authority as a deputy marshal from him?—A. No, sir.

Q. Or had any of these other men?—A. Not that I know of.

Q. Do you remember that the law authorizing deputy marshals to serve, authorizes them to receive pay from the Government in cities of over 20,000 inhabitants, but not any pay from the Government in country parishes?—A. I did not know the law.

Q. Did you understand at any time that you were to be paid by the Government?—A. No, sir.

Q. You went there at the request of Mr. Allain alone, and he had an appointment as deputy marshal sent to you in order that you might be an officer, and perform the duties required there?—A. Yes, sir.

Q. And receive your pay from Mr. Allain as all these other gentlemen did?—A. Yes, sir.

Q. Do you know of any of the marshals serving in the country, as these men and yourself, were receiving any pay from the Government as such marshals?—A. No, sir.

Q. You were asked who Mr. Allain was afraid of, so that he wanted officers to be there?—A. I do not know. I understood he was afraid of the regulators, or some of them out there. I did not see any of them while I was there. I never saw anybody.

Q. You understood that it was because he was afraid of some disturbance at the polls?—A. Yes, sir.

Q. And you were authorized as such marshal to keep the peace at the polls?—A. Yes, sir.

Q. Was not the letter that you received from Mr. Packard a letter to you, stating that your authority as marshal was revoked?—A. Yes, sir; and to return the commission, or something of that kind; I forget the words.

Q. Do you know whether there had been an application filed from the citizens of that country to have marshals appointed?—A. I do not remember.

Q. Under the law of 1872?—A. I do not remember.

Q. Do you know that the law authorizes the appointment of marshals and of supervisors to oversee the elections on the application of ten citizens of the parish?—A. No, sir; I did not know anything about it; I just took it for granted that that was the case.

By Mr. DARRALL:

Q. You were employed here in the month of October by Mr. Allain?—A. Yes, sir; I think it was the month of October.

Q. And you traveled with him over his senatorial district?—A. Over a portion of it.

Q. What parishes?—A. Iberville and West Baton Rouge.

Q. You say that you were employed by him because he feared personal violence while he was making his canvass?—A. Yes, sir; he said he was afraid to go alone.

Q. In which parish were you on the day of election?—A. In West Baton Rouge, in the court-house.

Q. There was no trouble there on the day of election, was there?—A. No, sir.

Q. Was any violence or trouble anticipated by Mr. Allain, or any of his friends?—A. No, sir; I did not hear them say so, except that they said that if we had not been there, there might have been trouble; if we had not been clothed with the authority we had, they said there would have been trouble.

Q. You were not a resident of that parish?—A. No, sir.

Q. Had you heard that there had been violence at a previous election?—A. No, sir.

Q. You never heard Mr. Allain say that he was run out of the parish at the previous election?—A. No, sir; I never heard him say so.

Q. Was there anything wrong in your assisting the supervisor of registration in making out his returns?—A. No, sir; that was a private matter—a private thing altogether.

Q. The returns were properly made out?—A. Yes, sir; I had been supervisor of registration before, and I was asked to assist him, and they said he would pay me for it, and I assisted him.

Q. State to the committee definitely whom Mr. Allain feared in this contest; whether it was altogether the banditti, as the chairman of this committee has said, or whether it was some faction in the republican party?—A. No, sir; I do not know; he was sort of very scary.

Q. He was scary generally?—A. Yes, sir; he was afraid of his own shadow.

Q. Was there a split in the republican party in that district?—A. Yes, sir.

Q. You did not hear him say whether he was afraid of the opposing republicans, or of the banditti?—A. No, sir; I believe he was just as much afraid of one as the other.

By the CHAIRMAN:

Q. Were you with Mr. Allain all the time that he was in the parish during this period?—A. No, sir; not all the time.

Q. Did he sleep at home, and in his own house?—A. Yes, sir.

Q. Did you watch the house?—A. No, sir; I stopped at the hotel in East Baton Rouge.

Q. How far from his house?—A. His house is across the river.

Q. Wasn't he afraid that you should go off so far from him?—A. I do not know. I guess he felt safe when he was once locked up in his house.

Q. What protection could you give him before you had got your badge and insignia of office?—A. I could not give him any; I was with him, though; I rode down to Plaquemines with him.

Q. What were you doing with him; were you electioneering with him?—A. Yes, sir; I have ridden all over the parish with him.

Q. Did you go thus supervising him and protecting him?—A. No, sir.

Q. There was no occasion for that?—A. No, sir.

Q. Did you see any occasion whatever in that community for giving anybody protection?—A. No, sir.

Q. In your own judgment, from your knowledge of the community, derived from your stay there, did you see any evidence of a necessity for having anybody there other than the ordinary officers of the parish?—A. No, sir.

Q. Either to protect life or to guard property?—A. I did not see any occasion for it at all.

Q. What you did there in point of fact, then, was to give Mr. Allain your services in securing his election, was it not?—A. I gave him my assistance in that line.

Q. You electioneered for him, canvassed the people, and persuaded them, where you could, to vote for him?—A. I do not know about that; I never persuaded any one of them.

Q. You solicited them to vote for him, then?—A. I never solicited them to vote for him.

Q. You asked them to vote for him?—A. I never asked them to vote for him.

Q. Did you never ask anybody to vote for him?—A. The other men might have done so; I instructed them to ask the people to vote for Mr. Allain.

By Mr. DARRALL :

Q. Did you act as deputy marshal at any other time except on the day of election ?—A. No, sir; I did not act as such.

Q. Did you canvass and travel over the parish with Mr. Allain in his wagon, as a deputy marshal or as a body-guard ?—A. As a body-guard, although I kept my commission in my pocket, and my badge also; I never used them except on the day of election.

Q. And you made no arrests then ?—A. No, sir.

Q. From the canvass you saw made there in that district, was the political fight more sharp between the two wings of the republican party or between republicans and democrats ?—A. In the parish of Iberville it seemed to be among the republicans; that is where the fuss seemed to be if there was any fuss.

Q. Do you understand from any information given you by Mr. Allain, as to whose money this was, whether it was his own money, or the money of the Government ?—A. He said it was his own money.

Q. Did he pay you all he agreed to pay you ?—A. Yes, sir.

Q. And you gave him a receipt for it ?—A. Yes, sir.

By the CHAIRMAN :

Q. Why did you carry your badge and your commission in your pocket when you were travelling around with Mr. Allain ?—A. Because I was not going to use it until the day of election.

Q. But this was some days before the election ?—A. I would not use it at any time before the election; I did not think I had any right to do so; I understood the commission was to be used only for the election.

NEW ORLEANS, June 9, 1876.

JAMES CALVIN CLARK sworn and examined.

By Mr. NEW :

Question. Where do you reside ?—Answer. I am staying temporarily in New Orleans, at the present time.

Q. Where is your home ?—A. East Baton Rouge.

Q. Are you acquainted with one T. T. Allain, who was a candidate for senator in this State in 1874 ?—A. Yes, sir.

Q. State whether you acted as a deputy United States marshal at that election.—A. I cannot say exactly whether I did or not, because I never received any commission from Mr. Packard; the commission was given to me by another party.

Q. State whether you had in your possession at that time a commission as deputy United States marshal.—A. Yes, sir; I had a commission authorizing me to act as such.

Q. Who delivered it to you ?—A. I could not exactly say; it was left at my house.

Q. Did you learn who left it there ?—A. I think a man by the name of Melville gave it to me, or left it there for me; I was not at home at that time; he was stopping with me.

Q. Had you any conversation with Allain, the candidate for senator, about acting as United States deputy marshal at that election ?—A. I cannot say that I had. I had no conversation with him about it. I do not know that I had any direct conversation with him regarding my being deputy United States marshal.

Q. Did you ever have any conversation with him in which you agreed, or in which he wanted you, to perform any services for him at that election ?—A. I was employed by Mr. Allain a couple of months, or perhaps three months, previous to my receiving this commission.

Q. Where did he employ you ?—A. He employed me in East Baton Rouge.

Q. What conversation did you have with him at the time of your employment ?—A. I decline to answer it; it was of a private nature; Mr. Allain was not a State senator at that time; he was only a citizen, and he employed me as a citizen two months and a half previous to the election.

Q. Do you refuse to answer that question ?—A. The nature of the employment and the bargain was just this—that I was to work for \$60 a month and my board and washing, as a printer, to run a newspaper.

Q. State whether at any time before the election you received a commission as a deputy United States marshal.—A. I guess I did receive a commission about ten days before the election.

Q. Where did you first see that commission ?—A. At my house.

Q. Whereabouts is your house ?—A. My house is in Willow street, in Catfish town, in the city of Baton Rouge.

Q. Whereabouts did you see the commission ?—A. My wife handed it to me in an envelope; it was directed to J. C. Clark.

Q. Was there anything else in the envelope besides the commission ?—A. I do not think there was.

Q. Was there a badge as marshal?—A. No, sir.

Q. By whom was the commission that you received signed, or by whom did it purport to be signed?—A. It purported to be signed by L. V. Packard.

Q. Did you at any time after that before the election receive a badge?—A. No, sir.

Q. Did you act as deputy United States marshal under that commission; and, if so, what duties did you discharge?—A. I did not perform any act the day of the election.

Q. Did you the day before the election?—A. No, sir; because I did the principal part of the polling at West Baton Rouge court-house.

Q. You did not then do anything in that campaign as a deputy United States marshal?—A. No, sir.

Q. Have you got that commission with you?—A. No, sir; I turned it over to Mr. Allain. I guess he turned it over to Mr. Packard.

Q. When did you turn it over to him?—A. Two days after the election; the second day after the election.

Q. Did he ask you to turn it over to him?—A. He did not; I gave it to him.

Q. How did you happen to give it to him?—A. Because I had no use for it. I was running a newspaper at the time. Mr. Allain told me I had better give it to him; he said, "You had better let me have that commission and I will take it with the balance of them; they have to be turned over within fifteen days."

Q. And then you let him have your commission?—A. Yes, sir.

Q. You do not know what became of it afterward?—A. No, sir.

Q. Did you receive a letter asking you to return the commission?—A. I received a letter from Mr. Packard.

Q. Have you got that letter?—A. I could not say exactly; I may have it among my papers.

Q. Will you produce it before this committee?—A. If I have it I will undoubtedly produce it.

Q. How soon will you be where you can examine your papers and see if you have it or not?—A. That is according to finances; I may be able to in a week, and may not be able to in a month.

Q. About how soon do you think you can examine your papers?—A. I can find out within ten days.

Q. And if you find that letter you will furnish it to us?—A. I will.

Q. In the election or before, did you do anything by virtue of your having that commission as deputy United States marshal?—A. No, sir; I never troubled myself about the commission.

Q. And you are sure that you received no badge?—A. I received no badge; I had none on the day of the election, and I did not have one previous or afterward.

Q. Did you go around the senatorial district with Allain after you got your commission?—A. No, sir.

Q. Did you not travel with him in his canvass?—A. I did not after I received my commission; I did not go with Allain for twenty days before I received my commission.

By Mr. CONGER:

Q. What was the substance of the letter from Mr. Allain?—A. It was to return the commission; I cannot give exactly the words.

Q. Give as nearly as you can remember what it said.—A. It was only just to return the commission; it was the same letter that we all received; there was no pay whatever attached to this commission. I think there were only five persons who had commissions in our parish.

Q. Did it say anything about revoking your appointment as marshal?—A. It did.

Q. And it asked you to return your commission?—A. Yes, sir.

Q. Was that about all the substance of it?—A. That is about the substance of the whole thing.

Q. How long after the election did you get that letter?—A. It was between a week and ten days; I would not be positive about the time.

Q. It was after you had given it to Allain?—A. Yes, sir; I had given it to Allain the second day after the election.

Q. Did you ever receive from the Government anything whatever for any of those services?—A. Not as marshal; I have been employed as river-inspector of the custom-house.

Q. Did you receive anything for those services to Mr. Allain?—A. No, sir.

Q. Whatever was paid, Mr. Allain paid you?—A. He paid me out of his own pocket.

Q. Did he take a receipt from you?—A. He always took a receipt from me whenever he paid me a month's salary.

Q. Your salary was for work as a printer?—A. For work as a printer, publishing a newspaper.

Q. Your newspaper was in his interest?—A. It was in his interest for the simple reason that he and another party at first were interested, and the party interested objected to me, but Mr. Allain still kept me on pay.

Q. Was there anything wrong or fraudulent in the transactions as far as you were concerned in any way whatever?—A. No, sir; I never saw anything; I do not know of anything fraudulent in it.

By the CHAIRMAN :

- Q. Have you been an inspector in the custom-house ?—A. Yes, sir ; I was a river-inspector.
 Q. When ?—A. I went in on the 17th of December, 1867.
 Q. When was it you were appointed deputy marshal ?—A. That was in 1874.
 Q. Have you received any appointments since then ?—A. No, sir.

NEW ORLEANS, *June 9, 1876.*

CHARLES J. MCGOVERN sworn and examined.

By Mr. REILLY :

Question. Where do you reside ?—Answer. I live in the fourth district, at the corner of Constance and Philip streets.

Q. State whether you have ever been in the employ of the custom-house.—A. I never was in the employ of the custom-house to my knowledge.

Q. State whether you have ever received any money at the custom-house for any services of any kind that you have rendered.—A. I received \$52 from the custom-house.

Q. When did you receive that money ?—A. I think it was about a month before the election.

Q. What election ?—A. Last election ; the presidential election of 1872.

Q. For what services did you receive the \$52 ?—A. For electioneering. I was supposed to render such services.

Q. You were electioneering for whom ?—A. For the republican party, I suppose.

Q. Do you not know for whom you electioneered ?—A. I electioneered for no one in particular. In the first place I wish to explain my evidence ; several months previous to the election I was down town, and I met Mr. John J. Flatley, and in a conversation with him he invited me to be a member and got me elected secretary of the Irish Republican Club, which assembled at the corner of Girard and Magazine streets ; through conversation with him and other parties I was led to believe that I was going to get something in the custom-house. I finally got a position in the Federal department of the Government, after my keeping the club intact, and keeping everything together for three or four months, or it might have been five months, previous to the election, but I only got \$52 out of it. My name was placed on the roll called the post-roll, but who placed my name on it I do not know.

Q. Put it on the post-roll ?—A. Yes, sir ; in the custom-house next to Mr. Herwig's office. Mr. Morse and Mr. Sypher managed that kind of a department.

Q. What Sypher do you mean ?—A. General Sypher, they call him.

Q. Is it the Sypher that was running for Congress ?—A. Yes, sir ; he was running for Congress at the time, and so was General Sheldon.

Q. When were you paid the \$52 ?—A. I was paid about one month after the election, to the best of my recollection. I never thought that this thing would be brought up, and so I do not recollect these things.

Q. Did you give a receipt or a voucher or anything of that kind ?—A. About fifteen days before I was paid I signed the roll in blank, and when I got my money, which might be the first or second of the month, my money was handed to me in an envelope the same as the balance of them got it ; our names were called out, we were standing out in the hall next the collector's office, and as our names were called out, the envelopes were handed to us. We had all signed the roll.

Q. What kind of a paper was it that you signed ?—A. It was a paper of this length, [illustrating with his hands ;] the name was placed on one side, and there were dates on top, &c. I am a good accountant myself. I saw that the name was signed in blank.

Q. The blank was filled in afterward ?—A. I do not know ; it was then in blank ; all you had to do was to sign your name.

Q. Was there any printing on that paper that you saw ?—A. Yes, sir ; it was a regularly filled up document the same as if you filled up an account.

Q. Do you recollect any of the printing on it ?—A. No, sir.

Q. Did it have on it United States of America, or anything of that sort ?—A. Certainly, it had something of that sort.

Q. But when you signed it it was blank ?—A. Yes, sir ; it was fifteen days afterward before I got my money ; I could have sold my time there for five or six per cent. to the custom-house.

Q. Who to ?—A. Some of the clerks of the custom-house.

Q. Did they offer to buy your time ?—A. I was told outside that I could sell my time for five or six per cent. I have been told by others that they have done so.

Q. What other parties signed the roll and received money at the same time that you did ?—A. I do not recollect their names. The roll I signed is the only roll I know of ; but there were parties who belonged to this club who got money in Hannan's office.

Q. State who they were.—A. J. J. Flatley and Patrick Curran. Flatley kept a coffee-house at the corner of Tchoupitoulas and Girard streets. I understood he got \$60 a month; he told me so himself. There was another gentleman by the name of John Broderick, who was bar-tender for Michael Carroll, on the corner of Girard and Magazine streets; he drew pay also. Both of these parties drew pay for three months, at least, to my certain knowledge, and one man there, Mr. Broderick, not only drew pay for Mr. Herwig's roll, but he also was paid on the post-roll after the election was over.

Q. Did these men perform any service except electioneering?—A. Nothing but electioneering.

Q. Who did they electioneer for?—A. For the republican party in general. I suppose they had their own personal friends or chums to get them on the roll.

Q. How many were there altogether that performed service of this kind?—A. There were twelve or fifteen who belonged to our club. I suppose if I had the records of the old club I could tell by looking at the roll.

Q. What was the agreement as to what you were to perform?—A. I was supposed to work for the interest of the whole ticket.

Q. What kind of work were you to do?—A. To talk in favor of the nominees, and to use what little influence I had in talking and representing the man to be so and so—as a good fellow; and the business that I followed to a certain extent brought me in contact with a great many people.

Q. Who were the persons that talked to you about performing these services and being paid for it?—A. The fact of the matter was, when I saw everybody else getting money and me getting nothing, I had to go and look for it myself, and try to get it. I talked to Mr. Herwig and to different other parties, among the rest, Captain Wright and General Sheldon, who put my name on the roll. I cannot say they did so, but I know I only got one month's pay. I was told by outsiders that other parties drew money on my name; but how that is I do not know.

Q. You do not know yourself whether that is so or not?—A. Of course I do not; it has been only hinted to me; whether it is so or not, is more than I know.

Q. You performed no services for the Government of the United States at all?—A. Never a bit that I know of, either for the State or for the United States Government.

Q. You did no work about the custom-house except electioneering?—A. Certainly not.

Q. That was the service for which you got the money?—A. I got the money, but I rendered no service except the electioneering.

Q. Has any person talked to you about your testimony here?—A. No, sir, except Mr. Carroll. I have been working for the last two or three years at the painting business. My business is a book-keeper, salesman, or anything around a store; but for the last two or three years I could not get anything of that kind to do of any consequence, and I have been working at painting. I got idle a few days, and I met Mr. Carroll, and he said that the deputy marshal, or somebody, was asking for me; so I came round on Saint Charles street to see if they had got a subpoena for me. I got it at once, and want to get through with this business. That is all the conversation I had outside about it.

Q. Has anybody attempted to dissuade you from testifying?—A. No, sir; and I have got no animosity to any one, either one way or the other.

By Mr. CONGER:

Q. Who handed you your money?—A. I believe, if I am not mistaken, that it was Mr. Morse; but I am not certain of that, there was such a big crowd there getting money, and everybody's name was being called out, so that there was confusion there.

Q. See if you can remember who handed you your money.—A. I do not remember who handed me my money. The fact of the matter is, I never made any acquaintance with them.

Q. You were paid in the third story of the custom-house?—A. It was in the second story, next to Mr. Herwig's office.

Q. Out in the open hall?—A. You could not go in unless you had some business with them.

Q. Was it in Mr. Herwig's own private room?—A. No, sir.

Q. Whereabouts was it?—A. Next door to that office.

Q. Do you know whose office it was?—A. Captain Morse was the superintendent of it, or somebody called Morse; and there was a man named Brown, who was a clerk.

Q. Then you were paid in the second story?—A. Certainly; it is the one you enter on Canal street; you come in on Canal street, and you walk up the stairs.

Q. Were you acquainted in the building so that you knew where the offices were?—A. I think I should remember it.

Q. Did Mr. Morse have any office on the second floor at all?—A. Yes; that was the office. Mr. Morse used to be in there and so did Mr. Brown.

Q. Are you not mistaken about the story?—A. No, sir; I am not.

Q. You are sure you were paid on the second story, whatever the office is?—A. Here is Canal street, and you walk up that one flight of stairs, and when you get up there, that is the second story; it was on that story that I was paid.

Q. You think it was Mr. Morse's office?—A. I am sure it was one office beyond the collector's office toward Custom House street, if I am not mistaken. I will not be positive. I know I was upon that pay-roll; it is three or four years ago now; to the best of my knowledge and belief it was on the second floor; if I were to go around there, I could refresh my memory, and I could tell exactly the room unless it has been changed since; there are so many flights of stairs and so many wings to that building, that a person is liable to forget. I know I was paid in the custom-house construction department, by the parties who had to prepare the walls of the custom-house building. I was on their roll, and I was supposed to be doing laboring work.

Q. That was what was called the post-roll?—A. Yes, sir.

Q. Do you know why it was called the post-roll?—A. No, sir.

Q. Do you remember any other names that were on the same roll that you signed?—A. I do not know any other names.

Q. Were there any other names, on the roll that you signed, of men who were laborers about the building?—A. Certainly there was. I knew certain parties who were laboring on the building, and really were working on the walls.

Q. Their names were on the same roll that you signed?—A. They were on the same roll that I signed.

Q. You say you belonged to the Irish-American Club?—A. I was secretary of it.

Q. That was a republican club?—A. Yes, sir.

Q. You were a republican?—A. It was called a republican club.

Q. And you supported the republican party?—A. I will not say that I supported any party.

Q. I mean then?—A. Not then, even.

Q. Was it not a political club?—A. It was a political club.

Q. What was it organized for?—A. We could hardly get a corporal's guard for a meeting.

Q. Was it organized to support the republican party?—A. Yes; I guess it was.

Q. Did they support the party?—A. It was me that kept the club intact and altogether by calling the meeting to order and keeping the roll, and keeping the records in proper condition.

Q. Then you were electioneering in the direction in which you were organized to work?—A. They declared me elected secretary of the club and I accepted it. I said to myself, I might as well be hung for a sheep as a lamb, and I kept the club intact; sometimes we would get twenty names.

Q. Is a body likely to be hung for a sheep or a lamb because he belongs to a republican club?—A. Not exactly; but I thought from the fact that my name appeared in the National Republican the next morning as the secretary that I would stick to it and maintain the organization intact as long as I could.

Q. Is it a difficult thing, then, to belong to a republican club in this city?—A. I will be candid with you; I thought, as long as my name appeared as secretary of the club, I would stick to it through that campaign.

Q. You and the other members of your club belonged to a republican club, but you kept it secret?—A. No, sir; how could we keep it secret when we published its organization in the different papers.

Q. Before it was published it was kept secret?—A. It was published the next morning after the club was started, and that is the reason I stuck to them.

Q. You had pluck enough to stand by them?—A. Yes, sir.

Q. Did the rest of the boys have such pluck?—A. Sometimes you could get them there and sometimes you could not.

Q. They were shy about being called republicans, were they?—A. Some of them were and some of them were not; they all looked for money; that is just the matter with them.

Q. You do not mean to say that they were really democrats?—A. They were anything to get money.

Q. Were they really democrats, though they pretended to be republicans to get money; is that what you mean?—A. I could not tell exactly. I will speak for myself and let the others speak for themselves; I was a democrat and always was.

Q. And always had a right to be?—A. I do not say anything about that.

Q. You say you kept the boys together?—A. I did, and I kept the club intact.

Q. Did you keep them together as a democrat or as a republican?—A. I was always there to call the roll and to read any minutes, or to transact any business.

Q. And to encourage the boys to stick together?—A. I did, with the hope that something might turn up, and we would get some money from down town.

Q. You had a good deal of trouble to keep them to their work?—A. I did; and I did not get enough out of it to pay a lunch-bill.

Q. Is it not a fact that a good many others got a good deal of money for less work than you did?—A. I am sure they did. Some of those that were on the roll of the club got three and four months' pay.

Q. And they did not do as much work as you did?—A. They did not do anything at all,

but they were better "bums" than I was. I did a certain amount of work, and I got no pay for it.

Q. When you undertook to work for the republican party you got small pay and did valuable work?—A. I will give you this answer to that: that I know so much now that there is neither one party nor the other can turn round and do the same thing to me again as they did the last election.

Q. It is not any wonder that parties which cannot be more faithful with their workingmen do not get along well?—A. I want men to be men of their word. I do not want a man to promise, and do nothing.

Q. It is pretty hard to ask a democrat to vote for a republican and then go back on him.—A. Yes; but I am not going back on any person. I am under no obligation to democrats or republicans. I have to work pretty hard for a living, without being brought into politics. That \$52 was nothing after I worked as I did.

Q. Did you keep on working for the republicans after that?—A. I worked for none of them after that, whether democrats or republicans. In the last election I voted a scratch-ticket. I voted for the best man. I did not care whether he was a democrat or a republican.

By Mr. STEVENSON:

Q. The fact is, that these men you speak about in the club were men who were hired to work for the republican party; is that true?—A. Yes, sir. They were supposed to vote for the whole ticket, but there were some of them that were employed to work for individuals.

Q. Have you been talked to by any person who spoke to you about your testimony here?—A. No, sir; except that little interview you had with me this morning.

By the CHAIRMAN:

Q. You were the secretary of this club?—A. Yes, sir.

Q. And you kept the roll?—A. Yes, sir.

Q. Did you show that roll at the custom-house?—A. I never showed the roll at the custom-house. I went down there one time to see if we could not raise some funds, for we wanted to have a turnout; but of course we had no means to turn out with. I only stopped ten or fifteen minutes; and when I saw that I could not raise any money for the turnout, I left.

Q. Did you tell them at the custom-house the names of the men who belonged to the club?—A. They were well known. Mr. Flatley always carried that list to the custom-house.

By Mr. STEVENSON:

Q. Who is Mr. Flatley?—A. He is at present a store-keeper in the custom-house. He kept at that time a coffee-house at the corner of Tchapioulas and Girard.

Q. Was he a member of the club?—A. He was president of the club.

By the CHAIRMAN:

Q. Was he a democrat or a republican?—A. He was a republican to all intents and purposes.

Q. You mean by that he was a republican to get money or office?—A. No, sir. I have got no animosity to the man, but I will give you my full opinion about Mr. Flatley. He was in the Confederate States army, but Mr. Flatley is a man that has seemed a little eccentric once in a while, and when he takes a notion he sticks to it. His own brother was a democrat, but he was a great radical during the late campaign. In 1872 he was a republican, and he would not deny it to any man.

Q. You were not afraid of anybody's making war on you because you were a republican?—A. No, sir. All they can do is to take my life.

Q. And you are not afraid anybody is going to take your life because you call yourself a republican?—A. No, sir.

By My STEVENSON:

Q. You were not afraid at that time of personal violence?—A. No, sir. I shake hands as quick with a colored man as with anybody else. I work with colored men on each side of me; but it is not only the being a republican; it is my own social standing—that is the only thing. It is a little matter of delicacy on my part, but as far as being afraid to be a republican, that is not the fact.

By Mr. CONGER:

Q. Everybody has a right in New Orleans to be a republican?—A. Yes, sir.

Q. And you said if you wanted to be a republican you would be, because they could not do anything but take your life any way?—A. I mean that in this way: I turned around and got myself into this club, and my name was published in the papers as being secretary of it, and therefore I said to myself, "Well, I don't care a cent anyhow; my name is in the papers, and I might as well be hung for a sheep as a lamb; I am going to be a republican anyhow; it is only my social standing among my friends that will suffer." I was ashamed of myself after what I had done, but I thought I might as well stick to it.

Q. Then you think a man cannot have very good social standing here if he is a republican?—A. Yes, sir; he can.

Q. Why, then, should it have affected your social standing?—A. My social standing is not very much, except among my own friends.

Q. Why should your being a republican affect your social standing among your own companions?—A. They wanted to know how it was the change came on a person so quick; it is the blackguarding you get from your friends that hurts you, and you have got to take it; you have got to be easy with them, for you know that they are right.

Q. Suppose you changed back again the next day, there would be another change; how would that be?—A. You see I did not change at all; I voted for one man on the republican ticket in 1872.

Q. If you voted for only one man, perhaps \$52 was all you were entitled to?—A. Very well; I do not care a cent.

Q. Do you think that a man of standing who had been a democrat could change and become a republican and maintain his social position in the city of New Orleans?—A. If a man has a good character in this community, no matter whether he be republican, democrat, or independent, he is as well entertained in this town and as much respected as one as he is as the other.

NEW ORLEANS, June 9, 1876.

MICHAEL J. RUSSELL sworn and examined.

By Mr. REILLY:

Question. State whether you were employed as an assistant sergeant-at-arms?—Answer. I am employed as an assistant sergeant-at-arms with this committee.

Q. State whether a subpoena on Colonel Casey was placed in your hands?—A. Yes.

Q. Have you got the subpoena?—A. I have got the original; Mr. Herwig has the copy.

Q. State what you did in pursuance of that subpoena.—A. This morning, at about a quarter after ten o'clock, I went to Mr. Casey's office. I saw Mr. Herwig; he asked what I wished; I said I had a subpoena for Mr. Casey. He said Mr. Casey had not got down yet. He asked me if he would not do just as well, and I said I would like to see Mr. Casey in person. Then I come back and reported to Mr. Barr, the sergeant-at-arms; he told me I had better go back and let Mr. Herwig attend to it. The subpoena called for vouchers from 1870 to 1874, to be sent here with one of his clerks. Mr. Herwig told me Mr. Casey had not got down yet, but he would be down in two hours, and he would attend to it. I went back at a quarter to three; I saw Mr. Herwig again; he told me Mr. Casey was sick, and the office was so upset in moving around that it would take some time to get the vouchers. I said the vouchers had to be delivered by three o'clock; he said they could not deliver them then. I asked him when we could have them; he said he could not say. I asked for a decided answer as to what time; he said we might have them to-morrow; he would send them as soon as he could get them.

By Mr. NEW:

Q. Did you see Mr. Casey?—A. No, sir.

Q. What did you do with the subpoena?—A. I left it with Mr. Herwig; he said he would attend to it.

Q. You left a copy of that?—A. I left the original; here is the copy.

Q. Do you know whether Mr. Casey has received it or not?—A. I do not.

By Mr. REILLY:

Q. Mr. Herwig, whom you have seen, is the special deputy of Colonel Casey?—A. Yes, sir; he is Mr. Felix Herwig.

Q. State whether you told Mr. Herwig that Mr. Casey's presence was not desired, but that these vouchers simply were wanted.—A. I stated that we did not want Mr. Casey if the vouchers were sent. Mr. Herwig said it would take some time to gather them up.

NEW ORLEANS, June 9, 1876.

ANDREW J. BRIM sworn and examined.

By Mr. REILLY:

Question. You live in this city?—Answer. Yes, sir.

Q. State what your occupation or business is.—A. I am inspector of customs at present.

Q. Do you know John L. Brown?—A. I know one John Brown; I could not say as to the L.

Q. A colored gentleman?—A. Yes, sir; I know two Browns though, both colored.

Q. Do you know which Brown I mean?—A. I do not know whether I do or not; I know one Brown on the police and one Brown in the custom-house.

Q. This is the one on the police. State whether you ever had any consultation with him about his being a witness before this committee?—A. I have had conversations with him, but not particularly about his being a witness before this committee.

Q. When did you have conversations with him?—A. In the last two days at various times. I meet him very often.

Q. Where did you meet him yesterday?—A. I saw him here, in front of the door.

Q. Did you come here to see him?—A. No, sir; not particularly to see him.

Q. What brought you here?—A. I came here to see Mr. Sheldon.

Q. How long did you remain here?—A. I do not know exactly; I do not think I was here more than five or ten minutes at the outside.

Q. Who sent you here?—A. No one; I came here myself.

Q. Did you talk with Brown yesterday about his testifying?—A. He talked with me about it.

Q. What was said about it?—A. He said he did not know what he was brought here for.

Q. How did he come to tell you that; did you ask him?—A. No, sir; I did not ask him.

Q. You did not ask him what he was doing here?—A. Well, I may have asked him probably if he was a witness here; I would not be positive whether I did or did not.

Q. Did you talk to him more than once yesterday?—A. I am not quite sure; I think I did speak to him here at this door, and down below.

Q. Did you talk to him in the morning, and say to him he should not go before the committee until you had seen him again?—A. No, sir; I did not tell him anything of the kind.

Q. Did you say to him that you thought he was here for the pay for the twenty-eight days that he was in the custom-house, and that you could fix it?—A. I did not say to him he was here for that matter; I spoke to him about the time coming to him; he had spoken to me about it some time previous.

Q. Did you tell him that?—A. I told him the time was probably right, and probably it could be got for him; I did not know.

Q. Did you leave him here and return in the afternoon and tell him that you could fix or that you would fix it?—A. I think probably the words were that I thought probably it could be fixed, if there was any time coming to him.

Q. Did you make an engagement with him to meet you at any place this morning?—A. No; I made no engagement with him.

Q. Did you meet him this morning?—A. I saw him this morning.

Q. Where?—A. In the surveyor's office in the custom-house.

Q. Was anybody with him?—A. I do not think he was in company with any one; there were several around.

Q. Whom did you see there?—A. He came in there and talked to me and one or two others.

Q. Who were the one or two others?—A. I am not sure whom he did speak to, but there were three or four, or five or six, there.

Q. Cannot you tell who they were?—A. There were several there, but I could not say positively he spoke to them.

Q. Tell us one he spoke to.—A. He spoke to me.

Q. Anybody else?—A. I am not positive he had any conversation with any one else.

Q. This was, you think, at ten o'clock this morning, or at what time?—A. It was early this morning. I do not know exactly what time it was.

Q. Is your memory so poor that you cannot remember a few hours?—A. I cannot remember the time. It must have been between ten and eleven o'clock.

Q. What time did you go there?—A. About a quarter to nine, as usual.

Q. When you went there did you expect Brown to come there?—A. I did not expect him to come there.

Q. Had you said anything to him yesterday about meeting him?—A. Not particularly.

Q. Did you say anything at all in general?—A. The only conversation was about the back pay he claimed for work that he did.

Q. What was that conversation about meeting you this morning?—A. The conversation was yesterday that I told him if there was anything coming to him he could probably get it.

Q. Did you tell him if he went to the custom-house this morning he could get it?—A. No, sir.

Q. Or that it would be fixed?—A. No, sir.

Q. Or that it would be seen about?—A. I told him I would see about it.

Q. If he came this morning, that is?—A. Not this morning; he came there himself.

Q. And you were there?—A. I am there every morning.

Q. Who else was there?—A. There were a good many inspectors there.

Q. In what room were you?—A. In the surveyor's room, where we report for duty.

Q. At the time when Brown came in, where were you?—A. In the surveyor's office.

Q. Who else was there?—A. A good many inspectors.

Q. Give us the name of one.—A. I could not be positive. I think young Mr. Herwig was there for one

By Mr. NEW :

Q. What is his given name?—A. P. J., I think ; it is Patrick, at any rate.

By Mr. REILLY :

Q. Who else was there?—A. Mr. Lewis was there, I think, at some place in the room ; the room is very large.

Q. And who else was there?—A. I could not swear who were there except these names that I have told you. I paid no attention to it at the time. I did not expect to be examined as to who were there.

Q. Who did Brown speak to first when he came in?—A. He spoke to me.

Q. What did he say to you?—A. "Good morning," I believe, was the first he said to me.

Q. What did you say to him?—A. "Good morning."

Q. What was said then?—A. There was a little conversation about what was the news, &c.

Q. And what else?—A. That was the end of the conversation.

Q. That was all he said to you—"good morning"—and he talked about the news?—A. I cannot remember what he said altogether.

Q. Was there anything said about his back pay?—A. Not just at that time.

Q. After Mr. Brown got through talking with you, where did he go?—A. I do not know where he went ; I left him in the custom-house ; the last I saw of him, he went into the marble hall.

Q. That was the last of him?—A. No, sir.

Q. Did you see Mr. Herwig this morning?—A. I saw two Mr. Herwigs this morning.

Q. P. F. Herwig?—A. I saw him going into his office this morning.

Q. Did you see him in his office?—A. Yes.

Q. Who else was in his office when you were there?—A. One party that I know, I believe, only—yes, there were two parties that I know.

Q. Give us their names.—A. Mr. William Murphy was there for a minute ; he just came in and spoke to him.

Q. Who was the other one?—A. John L. Brown.

Q. The man on the police force that you know?—A. Yes, sir.

Q. The man you saw yesterday?—A. Yes, sir ; he was in the office.

Q. Did Mr. Brown talk to Mr. Herwig?—A. I did not see him talk to him ; I did not stay there but a few minutes.

Q. You did not hear anything that passed between them?—A. No, sir.

Q. Did you have a talk there with Brown in Herwig's office?—A. No, sir.

Q. Did you see Brown get any money there?—A. No, sir.

Q. Did you see him get a check there?—A. I was not near enough to see what he got.

Q. Did you see him get a piece of paper?—A. I cannot say that I did.

Q. You did not talk to him about it?—A. I did not talk to him ; I did not see him except that I saw him going out and going into the marble hall.

Q. You did not see him get anything from Mr. Herwig?—A. No, sir ; I did not see him get anything that I know of.

Q. Did you see him do any writing there?—A. I do not know that he did do any writing ; they were together near a table and I was sitting some distance from him ; I could not see whether he did or not.

Q. He was sitting at a table?—A. Yes, sir.

Q. Near to Mr. Herwig?—A. They were near together.

Q. Who else was in the room at the time Mr. Herwig and Mr. Brown and you were there?—A. I only saw one man there that I recognized besides them.

Q. Who was that?—A. Mr. Murphy.

Q. Who was in the room at the same time?—A. He was in the room and had a few minutes' talk and went out.

Q. He was not there all the time you and Brown were there?—A. He did not stop there but a few minutes, neither did I.

Q. Who went out first, you or Brown?—A. Brown went out first.

Q. Did you say anything to Brown about getting a check cashed at the Hibernia Bank?—A. No, sir.

Q. Or that he would have to take somebody along that knew him, or else they would not give him the money?—A. No, sir.

Q. Did not Mr. Herwig say that he would pay the check if Brown would indorse it?—A. No, sir.

Q. You did not see Mr. Herwig give him \$25?—A. No, sir.

Q. Your memory is not very treacherous, is it?—A. I do not know about the treacherous part of it ; it is not very good.

Q. You are able to remember matters that come under your attention for a few hours?—A. If I pay particular attention, I can.

Q. How did you get from the surveyor's office to Mr. Herwig's office?—A. I walked over there.

Q. How did Brown get over there?—A. I did not see him go there; I did not know he was in there at all; I went over there myself.

Q. Did Brown talk to anybody else in the surveyor's office but you?—A. Brown did not talk to anybody else in the surveyor's office but me; we had met and said "good morning," before we went in.

Q. In the surveyor's office, did he talk to anybody but you?—A. He talked to me in the surveyor's office.

Q. What did he say?—A. He spoke about the news and something about his back pay that was coming to him.

Q. Who went out of the surveyor's office first?—A. I went out.

Q. How long after he went out did you go out?—A. It might have been ten or fifteen minutes. I could not say exactly.

Q. Did he say where he was going?—A. No, sir.

Q. You did not know where he was going?—A. I did not know where he was going when he went out.

Q. You did not go with him into the deputy collector's office?—A. No, sir; I went in afterward and found him there.

Q. And found him there?—A. Yes.

Q. Did you have any talk with him after he came out of the deputy collector's office?—A. No, sir; I did not see him.

Q. You did not say to him that he was obliged to report at his station for police duty and not to remain here?—A. No, sir; I never said anything of the kind.

Q. Or that his testimony would not amount to anything?—A. No, sir.

Q. Or that he would get his pay all right for that back time?—A. No, sir; I did not speak to him about his testimony; all that was spoken about his testimony he said himself; he said he did not know what he was here for.

Q. How did he come to say that?—A. I do not know unless it was through the conversation.

Q. What led to the conversation?—A. I could not say what caused him to say so. He told me he did not know what he was here for, and that he did not know anything; all he could say was he had worked and had not got his pay.

Q. He said that voluntarily?—A. We had talked of that a year ago.

Q. You talked of that yesterday morning?—A. Only when I met him here.

Q. Was that the first thing he said, that he did not know what he was here for?—A. That was not the first thing that was said.

Q. What was the first thing that was said?—A. It was a conversation about what was going on.

Q. How did you come to talk to him?—A. I am very intimate with him; he lives in my ward.

Q. Who sent you here?—A. No one; I came here myself.

Q. What for?—A. I came here to see Mr. Sheldon, as I remarked before, but could not get in to see him, and did not see him.

Q. But you wanted to see General Sheldon on your own business?—A. Yes, sir.

Q. What hours do you work as inspector?—A. I am on duty from nine to three unless I am on a ship; when I have a ship to discharge, I am on duty from six to six.

Q. Were you on duty from nine until three yesterday?—A. Yes, sir; I was supposed to be on duty.

Q. Were you on duty?—A. We report there to the surveyor's office and sign a book in the morning, and then if they need us, they send out for us.

Q. Did you see General Sheldon after you got here yesterday?—A. I did not see him.

Q. Did you go away when you saw that he was not here?—A. I went away in five or ten minutes.

Q. Where did you go?—A. I went to the custom-house.

Q. Whom did you see there?—A. The deputy surveyor and the clerks.

Q. Did you see Deputy Collector Herwig?—A. Not at that time.

Q. Did you talk to him about not having seen Sheldon here?—A. No, sir.

Q. Did you talk to him about having seen Brown here?—A. No, sir; I did not see him at that time.

Q. When was it that you were here to see General Sheldon?—A. It must have been 11—between 11 and 12 o'clock.

Q. What time was it that you saw Brown when he said he did not know what he was here for?—A. That was the same time I came to see Sheldon.

Q. Didn't you just say that you did not see Brown at the time you came to see Sheldon?—A. —No, sir.

Q. How did you know Sheldon was not here yesterday?—A. I did not say he was not here; I could not see whether he was or not; I asked a gentleman who was sitting outside the door, if Mr. Sheldon was in here, and he said he did not think he was.

Q. Who was the man that was sitting outside of whom you asked that?—A. I do not know his name.

Q. Would you know him if you would see him?—A. I think I would.

Q. Did you see Brown only once yesterday?—A. I saw Brown only the one time; no, I saw him twice yesterday.

Q. When was the second time?—A. I saw him here.

Q. What time in the day was that?—A. I think it must have been near three o'clock. I do not know exactly. I paid no attention to the time.

Q. Where had you been between eleven and twelve when you saw him first and three o'clock when you saw him again?—A. I had been about the surveyor's office, where I usually stay when I am not engaged on vessels.

Q. Had you talked to anybody there about Brown being down there?—A. No, sir; not that I remember.

Q. You did not talk to Mr. Herwig or anybody else about it?—A. I did not see him after that yesterday.

Q. Did you say anything to Brown about seeing him this morning?—A. I think Brown said something to me; he said he would come down and see me, to see if I could do anything for him.

Q. Came down where?—A. To the custom-house, I suppose.

Q. Whereabouts was he to see you at the custom-house?—A. The surveyor's office is where I can always be found.

Q. Was it understood he was to go to the surveyor's office and see you?—A. No, sir; it was not understood that it was to be at any certain time.

Q. Or any certain place?—A. If any one wants to see me, I tell them to go to the surveyor's office.

Q. Where did you tell Brown to go to?—A. I did not tell him where; he knew.

Q. There was something said about his going down to see you at the custom-house without naming the place or time?—A. Yes, sir, there was something said about that, and, as I remarked before, about the pay that was coming to him for the work that he did some time back.

Q. And he did come and he saw you?—A. Yes, sir; he came down this morning.

Q. How long was he in Mr. Herwig's office?—A. I could not tell you. I do not know when he went.

Q. When was the last you saw of him?—A. I saw him going into the marble hall after leaving the deputy collector's office.

Q. Where were you at that time?—A. I was in the room.

Q. And you said nothing about getting a check cashed?—A. I knew nothing about a check.

Q. Did you say anything about it?—A. No, sir.

Q. You did not see him get any money?—A. I did not see him get any money.

Q. Will you swear he was not paid any money?—A. He might have been paid.

Q. Will you not swear that he was paid?—A. I could not; I did not see it.

Q. Did you turn away your head so as not to see him get paid?—A. I was not expecting him to be paid any money.

Q. Did you not know that he came to see you and Mr. Herwig for the purpose of arranging that twenty-eight days' pay?—A. He came to see me about it. I do not know whether he wanted to see Herwig about it or not.

Q. Did he not come to see you in pursuance of an arrangement made with you yesterday?—A. We made no arrangement to meet this morning.

Q. Was not there a talk about meeting you and seeing Herwig and having this thing fixed?—A. There was a talk with him; I told him I would try to have it fixed.

Q. How did Brown come to go from the surveyor's office to the deputy collector's office?—A. I suppose he wanted to see Mr. Herwig.

Q. Did you say anything about his going to Herwig?—A. No, sir; he would go to see Mr. Eichols about that; he works in Eichols's department.

Q. Did you say anything to him about his going to see Mr. Herwig?—A. No, sir; not to him.

Q. Did you send him to anybody else?—A. No, sir.

Q. Did you say anything to him about going to see Mr. Herwig?—A. No, sir.

Q. Did you see Mr. Herwig yourself?—A. I saw Mr. Herwig.

Q. About Brown?—A. Yes, sir; I saw him about Brown.

Q. When?—A. Several times. It is some time ago; I could not exactly tell when. I spoke about the time and the work, and he said Brown's name had been omitted from the rolls.

Q. When was that?—A. I spoke of that yesterday for the last time.

Q. At what time of the day yesterday?—A. Probably it was twelve or one o'clock.

Q. That was after you had seen Mr. Brown here, at about eleven or twelve o'clock?—A. Yes, sir; it was after I saw Brown.

Q. And it was before you saw him again at three o'clock?—A. I saw Mr. Brown here about three.

Q. Was the time you had the conversation with Mr. Herwig about Brown's pay between the two times that you saw Brown here in this room?—A. Not between the two times; it was about twelve or one o'clock; that was between the times. Yes, it must have been between the two times.

Q. How did you come to talk to Mr. Herwig about Brown's pay?—A. I had told Mr. Brown I would do so. I had done so a good while ago.

Q. What did you say to Mr. Herwig about it?—A. I said that Brown had a claim for twenty-eight days' work that he did while working as a laborer with the weighers.

Q. Did you say that Brown was subpoenaed as a witness, and was waiting before this committee?—A. I did not tell Mr. Herwig that.

Q. What did Mr. Herwig say?—A. He said Mr. Brown had worked there, but there had been an omission by the foreman, or some one else, and that they had not entered his name properly, and that that was the cause why he had not been paid; but he thought there was some money coming to Brown for work in 1870 that he had not been paid for.

Q. Was that all?—A. That was about all.

Q. Did he say he would pay it?—A. He said he was willing to pay it. He thought it was right to pay it. It probably belonged to Brown. The reason he was not paid was that his name had been omitted from the rolls.

Q. Did you report to Brown, or state to him when you saw him at three o'clock that you had seen Herwig?—A. I did not tell Brown I had seen Herwig.

Q. Did you tell him you were looking out for him?—A. I told him that the first time.

Q. Did you tell him the second time that you had been looking after it?—A. I did not tell him that.

Q. Or this morning?—A. No, sir.

Q. And that he should not be examined until he did come down?—A. No, sir, I could not keep him from being examined.

Q. You said nothing of that kind to him?—A. No, sir.

Q. How did you come to talk to Herwig about it some time ago?—A. Because Brown had talked to me some time ago about it.

Q. And then you had interested yourself, and talked to Mr. Herwig?—A. Yes, sir.

Q. How long ago was that?—A. I could not tell you how long; it is some time ago.

Q. How long, about?—A. It is probably two years; probably more.

Q. It is a year ago that you talked to Herwig about paying Brown for those twenty-eight days?—A. I cannot say that I spoke to Mr. Herwig pointedly about it. I spoke to one or two other parties that I knew had been working.

Q. Can you say now that you ever spoke to Mr. Herwig about it before?—A. Yes, sir; I spoke to him once before; it is a good while ago.

Q. How long ago?—A. About a year.

Q. About the time you spoke to the two or three other parties that you said you thought knew something about it?—A. I do not remember whether it was about the same time or not; it has been talked of several times; Brown has made the assertion several times that he owed him money.

Q. Why cannot you give this committee all the information you have on this subject?—A. That is all the information I have on it.

Q. Have you any interest in not testifying?—A. I am testifying as far as I can remember.

Q. You are secreting nothing that occurred in this transaction?—A. No, sir.

Q. Had you no instructions to come here and see witnesses?—A. None whatever.

Q. Or to see Mr. Brown?—A. None whatever.

Q. Or any customs-officials?—A. None whatever.

Q. Did you come here on duty or on private business?—A. I came here on my own private business.

Q. You had no public duties to attend to as inspector?—A. I had none at the time; I was seeing to no duties at that present time.

Q. And you neglected none by being here?—A. No, sir.

NEW ORLEANS, LA., *Saturday, June 10, 1876.*

HENRY J. BRINKER sworn and examined.

By Mr. NEW :

Question. Where do you live?—Answer. In New Orleans.

Q. How long have you resided there?—A. About twenty-five years.

Q. What is your occupation for the last five or six years or longer?—A. Steamboating; I am a steamboat-commander.

Q. You are an officer on a boat?—A. Yes, sir; captain.

Q. Do you remember the Grant Parish trials, as they are called?—A. Yes, sir; I have some recollection of them.

Q. Were you engaged in steamboating, as a captain of a steamboat, at that time?—A. Yes, sir.

Q. In what trade?—A. On the Red River.

Q. What was the name of the boat of which you were then captain?—A. Maria Louise.

Q. Did your boat bring any of the witnesses on those trials down the Red River or take any of them back?—A. Yes, sir.

Q. State upon what terms those witnesses were carried by your boat, and, if you made an arrangement with any particular person as to the carrying of those witnesses back and forth, state who that person was.—A. The last batch we carried were engaged by me through this man McMickle. He went on my boat and subpoenaed them, and he told me there was quite a crowd of them, and for a small amount he could have them all right for me on my trip down. I agreed to pay him what he asked; I think it was one or two dollars a head.

Q. What was your best recollection as to whether it was one or two dollars a head?—A. I believe it was \$2 a head. I will state that my clerk who was with me then is in port now. He manipulated and transacted all this business through the custom-house, and what he has not in his head he has in his books. My testimony is only of what I can recollect.

Q. In what capacity was McMickle acting then?—A. He was a deputy marshal, I believe.

Q. What did you say was the agreement made between you and him about it?—A. I agreed to pay him so much to have those passengers ready for me. He had them ready as I came down; I brought them down, and after I got down I paid him what I agreed to pay him.

Q. How many passengers did you bring down?—A. I cannot recollect; I do not know whether it was forty or ninety. I had them on two or three trips. I think probably it was two dollars a head, and we had forty-odd of them. What I paid him was ninety dollars odd.

Q. State how you got your pay, and how McMickle got his pay.—A. My clerk collected this money out of the custom-house, and I don't know how McMickle was paid.

Q. You say your clerk collected the money out of the custom-house?—A. Yes, sir; he went to the marshal there and collected it. He attends to all this business himself. He takes the bill and goes to the custom-house, and collects the money; who he gets it of, I don't know. He came back to the boat with the money, and after a day or so he paid this man McMickle whatever it was.

Q. Did you carry any other witnesses besides those?—A. Yes, sir; we had some witnesses one trip before that.

Q. Had you any arrangement about those with the deputy United States marshal?—A. No, sir; I think not.

Q. Do you know what you received for carrying those per head?—A. I am not positive; it could be very easily ascertained.

Q. What were your regular rates?—A. Twelve dollars was what we were charging passengers.

Q. To bring them down?—A. To bring them down or up. It was \$12 one way and \$12 the other.

Q. That would be \$24 in all for the round trip?—A. Yes, sir; that is the passage from that point here and back.

Q. In regard to those witnesses that you first brought down, there was no arrangement with any deputy or any person that you know of, to your best recollection?—A. I do not think there was; I do not know of any.

Q. Did you carry any witnesses to that trial, or from that trial, at any other time than the two times you have named?—A. No, sir; not that I recollect of. We carried some up.

Q. What was the arrangement about those?—A. They paid their own fare going up at the office.

Q. What did they pay?—A. Ten dollars apiece.

Q. Did you contract, or did your clerk, so far as you know, with any other party than the witnesses themselves, as to what they should pay for going up?—A. I do not think there was any contract made except with themselves for going up.

Q. And that was arranged at \$10 each?—A. Yes, sir.

Q. Did you carry any witnesses to or from those trials at any other time?—A. No, sir; only those two trips.

Q. Do you remember how many witnesses you carried up Red River the last time you have referred to?—A. I think there was in the neighborhood of one hundred dollars; I do not remember exactly.

Q. And you think they each paid \$10.—A. Yes, sir.

Q. How did you get the pay?—A. They came to the office and paid themselves.

Q. In cash?—A. Yes, sir.

Q. When they came upon the boat?—A. Yes, sir.

Q. Your clerk is now in port, did you say?—A. Yes, sir; he just arrived this morning on the Lotus.

Q. What is his name?—A. J. J. Dodd.

By Mr. CONGER:

Q. Did you or your clerk make this arrangement with Mr. McMickle?—A. I made the arrangement with him.

- Q. Where was it made?—A. On board of my boat.
- Q. On your way up the river?—A. Going up the river.
- Q. After you left here?—A. Yes, sir.
- Q. State again what your arrangement was with him.—A. I forget whether it was for one or two dollars per head. Mr. Dodd can tell you when he comes here; or if he does not remember it, he has got the books.
- Q. McMickle was going up the river to subpoena these witnesses?—A. Yes, sir.
- Q. Did you or he speak about their going on your boat first?—A. I don't remember now whether he spoke first about it or myself.
- Q. But you offered that if he would bring them all on your boat to commute with him for a certain amount?—A. Yes, sir; I offered to pay him a certain amount per head—either one or two dollars—if he would have them all ready on a certain day.
- Q. Were you to charge anything more than the ordinary fare?—A. No, sir.
- Q. Simply the usual fare?—A. Only the usual fare.
- Q. What you paid to McMickle was to be paid out of the fare you received?—A. I am not sure whether we got full fare or not.
- Q. What was the full fare?—A. The full fare was \$12; but I am not sure we got \$12 then. There was a great deal of opposition at that time, and sometimes passengers would be at one price and sometimes at another.
- Q. You were anxious to get these passengers for your boat?—A. Yes, sir.
- Q. That is the reason you made the effort?—A. Yes, sir.
- Q. Did you sign a receipt to the marshal for the money?—A. My clerk got the money.
- Q. You got the \$12 out of the witnesses' fees?—A. My clerk collected that at the custom-house. I did not collect it.
- Q. He brought it to you?—A. Yes, sir; to the office.
- Q. You mean to the boat?—A. Yes, sir; my clerk paid McMickle on the street somewhere.
- Q. Whatever McMickle got was paid by either you or your clerk?—A. Yes, sir.
- Q. Out of the regular fare?—A. Yes, sir; I suppose so.

NEW ORLEANS, LA., June 10, 1876.

LAFAYETTE N. LANE sworn and examined.

By the CHAIRMAN:

- Question. Where do you reside?—Answer. I reside in the parish of Natchitoches.
- Q. What is your business?—A. Planting.
- Q. Were you ever arrested by any authority for any alleged offense?—A. I was, sir.
- Q. When?—A. On the 21st of October, 1874.
- Q. By whom?—A. By Mr. Bolt, who claimed to be a United States deputy marshal.
- Q. Did he have a warrant?—A. He did.
- Q. By what authority was that warrant issued?—A. I think it was issued before a commissioner named Woolfley, or some such name as that.
- Q. Where was that commissioner established?—A. In this city.
- Q. How far is it from this city to your home?—A. About five hundred miles by the usual route of travel.
- Q. What was done with you when you were arrested?—A. I was taken that night, after ten o'clock, to the camp of the military, near Natchitoches.
- Q. Were you arrested in your own home?—A. I was arrested at my gin-house.
- Q. What time were you arrested?—A. It was nearly sundown; the sun was an hour high.
- Q. Were you carried away from your home?—A. Yes, sir; I invited the company to supper, and we started about ten o'clock. We got to Natchitoches, or rather to the camp of the military, a mile from Natchitoches, the next morning about daylight. They went out of the way to arrest another party, and that was the reason why they were so long getting there.
- Q. What was done with you?—A. I was kept in the camp until, I think, the following Saturday week.
- Q. Then what was done with you?—A. On that Saturday I was taken into the town of Natchitoches and put in charge of the sheriff.
- Q. And then what was done with you?—A. I was then taken charge of by the sheriff, and put in a house. He refused to let us go in the jail. I remained there until after the election; then the military and the troops left without doing anything with us. In the mean time, a telegram was sent up here to the marshal that said I was to be let out on my own recognizance. The marshal who came with the troops was named Stockton. He sent a deputy to my house by the name of Bolt, appointed by himself, I presume. Bolt was a resident of the town of Natchitoches. I refused to accept the terms, or to be released on my own recognizance; for I knew that some of the gentlemen who had been arrested

were as innocent as I was of the charges preferred against us, and I gave bond to come down to the city with the expectation of having an immediate trial, but I have never got one yet.

Q. How much did you give bond for?—A. \$5,000.

Q. Was that for your appearance here?—A. Yes, sir; at the next court here.

Q. Was any time fixed for your appearance on that bond?—A. No, sir.

Q. Have you been before the district attorney here?—A. I appeared some time during the month of November. I went to Mr. Beckwith and insisted on a trial. He put me off on the ground that they then had no judge or jury. I have been to him twice since. The first time I went in company with Mr. Taylor, who was also arrested.

Q. You have had no trial?—A. No, sir.

Q. Have the proceedings been quashed?—A. Not that I know of.

Q. What was the offense that you were charged with?—A. Conspiracy on the 26th of August and murder on the 29th.

Q. Have you ever been furnished with the names of the witnesses against you?—A. Only with the parties making the affidavits; I saw them on the warrant.

Q. Do you know who they were?—A. One was Henry Smith, and there was one Mr. Van Dusen.

Q. Do you know who they are?—A. No, sir.

Q. Do you know whether there are such people in existence?—A. I am satisfied that there is a man by the name of Van Dusen in the parish, but I would not know him if I saw him.

Q. What murder did they charge you with?—A. With the killing of six men on the 29th of August above Ouachita. It is a notorious case.

Q. When was this arrest made?—A. On the 21st of October.

Q. How many days before the election?—A. I believe the election was the 2d of November. It was early in November, anyway.

Q. When did this alleged murder take place?—A. I think it was the 29th of August.

Q. Were any other citizens arrested in your parish, or in your vicinage, just before the election, and by the same parties that arrested you?—A. Yes, sir; there were two men in my immediate neighborhood, in the town of Natchitoches.

Q. What effect did those arrests up there have, if any?—A. It demoralized the people, so that everybody got out of their homes pretty generally, and took to the woods.

Q. Where were you when this murder took place in August up at Coushatta?—A. I was in the city.

Q. Was there anybody here that saw you here, that you know of, who can testify to that fact?—A. I suppose there were four or five hundred or a thousand people that saw me here.

Q. Name one.—A. J. U. Paine; R. H. Marr came to the city with me, and so did R. T. Buckner.

By Mr. CONGER:

Q. Did the marshal show you his warrant?—A. Yes, sir.

Q. What was the charge in the warrant?—A. Conspiracy and murder; conspiracy on the 26th of August, and murder on the 29th.

Q. When did you arrive in this city?—A. I arrived here on the morning of the 26th of August.

Q. You say that there were other citizens arrested?—A. Yes, sir.

Q. Were they charged in the same way with conspiracy and murder?—A. Their names were contained in the same affidavit.

Q. Was anybody arrested that was not charged with conspiracy and murder?—A. Not that I am aware of.

Q. How many men did you say were murdered?—A. The report was that there were six.

Q. At what place?—A. Somewhere about Coushatta; I do not know the exact locality.

Q. Was it in the neighborhood where you live?—A. No; it was some distance above.

Q. How far above?—A. I suppose perhaps fifty miles above.

Q. Were they taken from Coushatta?—A. That was the report. I know nothing of the circumstances.

Q. Were they taken up the river?—A. Yes, sir.

Q. And were they murdered?—A. Murdered on the way by some party who met them.

Q. It was for a conspiracy connected with that murder and for that murder that you were arrested?—A. Yes, sir.

Q. And these other citizens were arrested for the same thing?—A. Yes, sir; the marshal stated to me that he had two hundred arrests to make, but he only arrested six, to my knowledge.

Q. Did he state that he was to arrest anybody but those who were charged with conspiracy?—A. He simply stated that he had warrants for two hundred people.

Q. You read the warrant that your name was mentioned in?—A. I read the warrant.

Q. And that certified that you were charged in connection with these other citizens with conspiracy and murder?—A. Yes, sir.

By the CHAIRMAN :

Q. How far is your home from the place where this alleged murder is said to have taken place?—A. As nearly as I can estimate it, fifty miles. I have never been in that section of the country, and have never been to Coushatta, and consequently I do not know the distance of my own knowledge.

Q. Had they previously by report arrested anybody in connection with this murder up in the country where it occurred?—A. I had heard that they had. The reports were that they were arresting the people by wholesale.

Q. At the time that the alleged murder occurred?—A. No, sir; at the time that these troops came up there, about the 20th of October. There was no one arrested, I think, previously, so far as I know.

Q. Your home was about fifty miles from where the thing occurred?—A. From where, according to the report, it occurred.

Q. At that time you were in this city?—A. I was in this city at the time. I first heard of it here.

Q. You have not been tried?—A. No, sir.

Q. You have never insisted on getting a trial?—A. I have been this anxious to get one : I told Mr. Beckwith, the last time, so far as I was concerned, it should cost the Government nothing. His excuse was for not trying me that his office had been pretty expensive, and that he could not give me a trial without it costing him \$10 000. I then told him, so far as I was concerned, it should cost the Government nothing.

By Mr. CONGER :

Q. Where did you live then?—A. I was living in the upper part of the parish of Natchitoches.

Q. Near what place?—A. I am between sixteen and twenty miles from the town of Natchitoches, about twelve miles by land below the town of Coushatta.

Q. Were these persons that were said to have been murdered taken from the neighborhood where you live?—A. No, sir.

Q. Where were they taken from when they were taken up the river?—A. All that I know about that is from the published reports, which said they were taken from Coushatta, and that they were arrested in Coushatta.

Q. And were taken from Coushatta up the river some fifty miles and murdered?—A. That is it. According to my understanding, that is the report. I never saw one of the men in my life, and I did not know that they were killed.

Q. So that, if I understand you, whatever circumstances led to the arrest of these six men occurred at Coushatta?—A. Yes, sir.

Q. After they were arrested, they were taken to this place where it is said they were murdered?—A. If you will allow me, I will state precisely what I understand was done. It is already in evidence and published to the world. They started from Coushatta with a guard of their own selection, probably fifteen or twenty men. About forty or fifty miles from Coushatta they were met by another body of men, who did the killing.

Q. Can you give me the names of the persons said to have been killed?—A. A man by the name of Dewees, Twitchell, and I believe one was named Holland, or something similar to that. I am not certain about that last name. I was personally unacquainted with any of the parties.

Q. Cannot you think of the names of the others?—A. I cannot remember the names of the others.

Q. Do you recollect whether one of them was district attorney?—A. I don't know.

Q. Have any of the men who were arrested for this conspiracy, so far as you know, ever been tried?—A. No, sir; I think not; certainly none in the parish of Natchitoches have been tried.

Q. This occurred in the fall of 1874?—A. In October of 1874.

Q. And the arrests were in October?—A. The arrests were in October.

By the CHAIRMAN :

Q. Do you know, of your own knowledge, whether any murder ever occurred there at all?—A. I do not.

Q. You have just such information as other persons may have from reading the newspapers?—A. From reading in newspapers the published reports.

Q. And from rumors?—A. Yes, sir.

Q. You did not know any of the circumstances connected with it?—A. Nothing, except in that way.

Q. What you have stated in reply to the questions that have been asked you, so far as the murder is concerned, you have answered simply from hearsay?—A. Entirely so. My information was first derived from newspapers in this city, about the first of September.

NEW ORLEANS, LA., *June 10, 1876.*

CÆSAR C. ANTOINE sworn and examined.

By Mr. NEW :

Question. Were you acquainted with Charles W. Lowell, at one time postmaster in this city?—Answer. Yes, sir.

Q. Do you remember of his alleged defalcation as postmaster?—A. Yes, sir.

Q. Were you upon his bond?—A. Yes, sir.

Q. State whether in the settlement of his defalcation with the Government you paid any part of the money that was raised, and, if so, how much.—A. The sureties of Postmaster Lowell's bond had a meeting to make up the amount before we understood positively what the amount would be. A friend of mine came to me stating that it would be best for me to allow him to attend to my portion of it; in fact, I had spoken to him about it.

Q. Who was that friend?—A. That was Mr. Smith.

Q. What is his given name?—A. George L. Smith, ex-member of Congress. He told me he would attend to it for me, and would pay my pro rata. I told him it was all right, and whatever he would pay I would refund it to him. It was so understood between me and him. Before I had any understanding as to the amount that was to be paid, there was a sight-draft sent down here on Governor Kellogg.

Q. By whom?—A. By Mr. Morey.

Q. For what sum?—A. For \$1,000; and the governor turned the sight-draft over to me and said, "You are an interested party; you being on his bond had better attend to that; it will be all right." I took the sight-draft, got the money, and turned the money over; \$1,000. Since then I have not heard anything about it. I understand from Colonel Lowell that the whole matter was settled. But I was waiting to get my quietus some time. I went to him to get it. He told me he had all the papers, and it would be all right, and he would turn it over to me.

Q. To whom did you pay the \$1,000?—A. I got a draft cashed in the bank, and I suppose the attorneys attending to Colonel Lowell's case got that, and it was placed in the bank to their credit, or rather to the credit of the Government.

Q. You paid that money on the draft that was sent by Morey?—A. Yes, sir.

Q. Was this \$1,000 paid before or after your arrangement with Smith that he was to pay your pro rata?—A. It was afterward.

Q. Do you know whether Smith has ever paid any additional sum for you?—A. I do not know. I suppose it was his intention to pay whatever the deficiency was on my part, because I had all the confidence in the world, and still have, in what he would say; but up to the present time I don't know whether he ever paid a cent or not on my account. There were some five or six sureties, and at first I learned that the sum needed would be \$10,000 or \$18,000—I think \$10,000. After I had paid the \$1,000, I understood that they had made an arrangement to compromise the whole matter with the Government for \$7,000.

Q. Will you ascertain if you can, before the committee leaves the city, whether Mr. Smith paid any further sum, and let us know?—A. I shall, sir.

NEW ORLEANS, LA., *June 10, 1876.*

ROBERT BROWN sworn and examined.

By Mr. STEVENSON :

Question. What is your business?—Answer. I am sugar-planting.

Q. State whether you were notified by the collector of the first district of internal revenue, Mr. Cockrem, in regard to an assessment being made against you.—A. No, sir; I was not notified of any assessment.

Q. State what occurred in regard to that transaction.—A. The deputy collector—a man by the name of Swift—called on me to pay an internal-revenue tax that I was not aware that I owed, or that I had ever been assessed for. In addition to the tax, he appended some charges that I thought were enormous and illegitimate.

Q. What were those charges?—A. Here are the charges:

From May 1, 1875. to May, 1876.

" Warrant-notice.

" ——— Div.' ——— List, 18—.

" UNITED STATES INTERNAL REVENUE,
" COLLECTOR'S OFFICE, FIRST DISTRICT OF LOUISIANA.

" New Orleans, February 12, 1876.

" Mr. ROBERT BROWN, *Terre au Bœuf, Saint Bernard* :

" The following internal-revenue taxes and penalties are now due, to wit :

" Annual income.....	
" Sales for.....	
" Manufactures.....	
" Retail-liquor and manufactured-tobacco dealer's license, and 50 per cent. penalty..	\$45 00
" Penalty, (5 per cent.)	2 25
" Interest, (1 per cent. per month)	2 40
" Notice and mileage.....	2 30
" Warrant.....	1 50
" Total	53 45

" Please call at custom-house, room No. 5, and pay the above immediately, and avoid further cost and penalty.

" Bring this notice with you."

I wrote to General Bristow about it—he and I came from the same State—through General Gibson, and General Bristow passed the papers over to Mr. Pratt, the Commissioner of Internal Revenue.

Q. Did you receive a letter from the Commissioner of Internal Revenue in regard to those charges?—A. Yes, sir.

Q. Where is that letter?—A. It is as follows :

" TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,

" Washington, February 29, 1876.

" SIR : I have the honor to acknowledge receipt from the honorable Secretary of the Treasury, of a letter from Mr. R. Brown, of Saint Bernard post-office, Louisiana, referred by you to this Department, together with your letter of reference and ' notices ' for special taxes, with penalties and interest.

" It is evident from the statements of Mr. Brown that he has incurred liability under the Revised Statutes of the United States as a liquor-dealer. It is held by the office that a sale of distilled spirits or wines to employés, as stated by Mr. Brown, whatever the consideration, renders the seller liable, the same as if selling to other persons.

" As to Mr. Brown's liability for selling tobacco, he will please make a sworn statement to the office touching the facts in his case, and the question of his liability as a dealer in tobacco will be determined.

" Whatever the liability of Mr. Brown, you will see from the inclosed copy of letter of this day to Collector Cockrem that an examination of our lists finds no charges against him for the period named, and that the collector has been called on to explain.

" On receiving explanation from the collector, you will be further addressed. I return the ' notices,' as I observe Mr. Brown expects you to send them to him.

" Very respectfully,

" D. D. PRATT,

" Commissioner.

" Hon. R. L. GIBSON, M. C.,

" House of Representatives, Washington, D. C."

" What other letters have you from the Commissioner?—A. I have a letter addressed by the Commissioner to J. Cockrem, esq., deputy collector, which is as follows :

" TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,

" Washington, February 29, 1876.

" SIR : Hon. R. L. Gibson, member of Congress, has forwarded to the honorable Secretary of the Treasury a letter from R. Brown, of Saint Bernard Parish, Louisiana, inclosing notice, of which the following is a copy :

“ ‘ From May 1, 1874, to May, 1875.

“ ‘ Warrant-notice.

“ ‘ ——— Div. ———, List, 18—.

“ ‘ UNITED STATES INTERNAL REVENUE,
“ ‘ COLLECTOR’S OFFICE, FIRST DISTRICT OF LOUISIANA,
“ ‘ New Orleans, February 12, 1876.

“ ‘ Mr. ROBERT BROWN, *Terre au Eœuf, Saint Bernard* :

“ ‘ The following internal-revenue taxes and penalties are now due, to wit :

“ ‘ Annual income	
“ ‘ Sales for.....	
“ ‘ Manufactures	
“ ‘ Retail-liquor and manufactured-tobacco dealer’s license, and 50 per cent. penalty.	\$45 00
“ ‘ Penalty, (5 per cent.).....	2 25
“ ‘ Interest, (1 per cent. per month)	6 00
“ ‘ Notice and mileage.....	2 30
“ ‘ Warrant.....	1 50
“ ‘ Total	57 05

“ ‘ Please call at custom-house, room No. 5, and pay the above immediately, &c.

“ ‘ Bring this notice with you.’

“ ‘ Also, a similar notice to same party, headed ‘ from May 1, 1875, to May 1, 1876,’ for same taxes, with additions, making an aggregate of \$53.45.

“ ‘ No assessments appear on lists for first district Louisiana for period from May 1, 1874, to date, against R. Brown, as implied by your notices. I have therefore to ask your immediate explanation of these charges.

“ ‘ I shall forward copy of this letter to Mr. Gibson.

“ ‘ Very respectfully,

“ ‘ D. D. PRATT,
“ ‘ Commissioner.

“ ‘ J. COCKREM, Esq.,
“ ‘ Collector, New Orleans, La.”

I have also another letter, addressed by the Commissioner to Mr. Cockrem, which is as follows :

“ ‘ TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
“ ‘ Washington, March 23, 1876.

“ ‘ SIR: In yours of the 6th instant, in reply to office letter of 29th ultimo, you say, ‘ it has been my custom when a liability to pay a tax was discovered, to make demand for the payment at once, with all penalties, and in all such cases to report the names on my monthly lists, the assessed penalties being reported on Form 23 as collected, and the penalties and interest-charges on Form 18, and constituting my advance collections. There may perhaps exist some doubt of the propriety of collecting the 5 per cent. penalty and interest-charges before assessment, but I reasoned that because a person escaped assessment he should not escape the penalties,’ &c.

“ ‘ It would seem from the bill copied in office letter of 29th ultimo that you not only demanded penalties and interest on unassessed taxes, but actually charged for notice, mileage, and warrant.

“ ‘ There is no doubt as to the impropriety of demanding penalties before assessment, nor any doubt as to the impropriety of demanding interest not due, nor any doubt as to the impropriety of making the other charges you made at the time you made them.

“ ‘ I shall send a copy of this letter to the Hon. R. L. Gibson, M. C., and have to request that you will exercise the utmost care in the future not to give taxpayers any ground for similar complaint in this or other regards, although it is at the same time expected that you will execute the laws intrusted to you to execute with fidelity to the interests of the Government.

“ ‘ Very respectfully,

“ ‘ D. D. PRATT,
“ ‘ Commissioner.

“ ‘ J. COCKREM, Esq.,
“ ‘ Collector, New Orleans, La.”

Q. How much did you pay altogether?—A. I think it was \$75. I understood from the Internal Revenue Department that I certainly ought to pay \$50 and perhaps \$60—that was with the \$10 tax on tobacco. But I think I sent my merchant to the custom-house to pay the charges, and they said Mr. Pratt was new in his office, and did not know his business, and they charged \$75.

Q. Who told him that?—A. That is what my merchant said they told him at the custom-house.

By Mr. CONGER :

Q. The amount that the Commissioner decided that the collector had overcharged you was how much?—A. He charged me 50 per cent. penalty and then 5 per cent. upon the license and penalty.

Q. That 5 per cent. was in the nature of interest?—A. No, sir; he charged besides at the rate of 1 per cent. a month interest.

Q. What were the other items?—A. Then he charged notice and mileage, and he charged for issuing the warrant.

Q. Tell me what the Commissioner said were his proper charges.—A. He said that all of those charges were improper.

Q. Then I understand you to say that the real charge for all those things should have been \$50 or \$60, instead of \$75?—A. Yes, sir; but he had it \$115 or \$120.

Q. Those irregular charges made it that?—A. Yes, sir.

Q. Had you paid those?—A. No, sir; I had not paid them. I refused to pay them, and I appealed to the Commissioner at Washington to know if it was right that I should pay them.

Q. Have you paid what the Commissioner decided it was lawful that you should pay?—A. Yes, sir; and more too than he decided.

Q. That irregularity was corrected properly by the Commissioner on appeal to him?—A. At Washington; yes, sir.

Q. You have no fault to find with the Commissioner?—A. No, sir; he redressed the grievance very promptly and honestly.

Q. He redressed it as soon as ever it was brought to his attention?—A. Yes, sir; but he said I had never been assessed, and there were no charges on the books at all of those assessments.

Q. The assessments against you came among those assessments upon a discovered dealer, a dealer who had not reported himself for the regular assessment?—A. Yes, sir.

Q. And by the decision of the Commissioner, the collector was right in placing your name on the list of dealers, but wrong in making those additional charges?—A. Yes, sir; and then he was not right in not reporting the assessment to the Department at Washington.

Q. He should have reported it as soon as it was made?—A. Yes, sir.

NEW ORLEANS, LA., *June 10, 1876.*

RICHARD T. BUCKNER sworn and examined.

By the CHAIRMAN :

Question. What is your occupation?—Answer. I am a merchant here.

Q. Do you know Mr. Lane?—A. Yes, sir.

Q. Do you know whether or not Mr. Lane was in this city on the 26th August, 1874?—A. I do not recollect about dates. Mr. Lane was a delegate to the convention at Baton Rouge at the same time I was there, and at the same time that General Gibson was nominated for Congress. He and I came down to the city on the following Monday evening on the steamboat Governor Allen.

Q. When was that convention held?—A. It was held in Baton Rouge in August, 1874, but I don't recollect the day of the month.

By Mr. CONGER :

Q. You do not remember the date?—A. I do not recollect now, but I could find out by referring to papers.

Q. You are not able to tell what particular day you saw Mr. Lane?—A. I know it was in the latter part of August, 1874.

Q. Either at Baton Rouge or here?—A. I saw him at Baton Rouge. He came down on the boat with me. I know I saw him the day of the convention that nominated General Gibson to Congress.

Q. Cannot you remember what date that was?—A. No, sir; it was at a State convention that nominated the auditor and State treasurer and members of Congress.

Q. Did not you come down with Mr. Lane more than once from Baton Rouge?—A. No, s'r.

By the CHAIRMAN :

Q. Was not the convention about the 24th of August?—A. Yes, sir; about that time.

NEW ORLEANS, LA., *June 10, 1876.*

ROBERT H. MARR sworn and examined.

By the CHAIRMAN:

Question. Give your name and residence.—Answer. I am an attorney and counselor at law. My residence is 267 Josephine street, in this city. My office is 27 Carondelet street.

Q. Are you acquainted with Mr. Lane?—A. I am very well acquainted, indeed, with Mr. Lafayette N. Lane. I have known him more than twenty years quite intimately.

Q. Do you know where he was about the last of August, 1874, during the last days of August?—A. I will tell you what I know on that subject. The convention of the democratic and conservative party was held at Baton Rouge on the 24th of August. I was president of that convention. At that convention I met Mr. Lane. I do not know whether Mr. Lane went by some other boat from New Orleans, or whether he came on a boat from the Red River country; at any rate he was at the convention.

Q. On what day?—A. The convention met on the 24th of August, and adjourned late on the evening of the 25th, about dark. We embarked on the Governor Allen at Baton Rouge and left that place about dusk on the evening of the 25th. Mr. Lane was on board of that boat and I was with him a part of the evening. There was quite a number of persons on board. My wife was with me, and Mr. Lane and his family had been old acquaintances of mine and of my family. He was sitting in the ladies' cabin with me for some time in conversation with myself, my wife, and others. We arrived at New Orleans on the morning of the 26th of August about daylight, and we all went home for breakfast. I saw Mr. Lane in the city of New Orleans for several days after that time. I have an indistinct recollection of seeing Mr. Lane several times about the time that there were telegraph reports received about this affair at Coushatta; but I will not state that with certainty. Mr. Lane was here on the 26th of August, and for some days after that, to my certain knowledge, but for how many days I will not undertake to say; my impression has been for some time that Mr. Lane was here at the time we received telegraphic intelligence of the Coushatta affair. What recalled it to my mind was that Mr. Lane after he returned home was arrested. He employed me to look into the matter for him and defend him. At that time it was all fresh in my mind, and his employing me is what fixed so certainly all about it; still I am not prepared at this moment to state that he was actually here at the time we received the information of the Coushatta affair, because I had not attached sufficient importance to that fact at the time. It is simply an impression, very distinctly, on my mind that I saw him at the time; and that therefore he could not then have been at Coushatta. Mr. Lane was making some little purchases in town, and I suppose he can find some merchant here who could show by the date of his purchases and the shipments that he was here.

By Mr. CONGER:

Q. This was in August, 1874?—A. Yes, sir.

Q. Have you any memorandum of the fact of Mr. Lane being here?—A. Well, I had a great deal to do with the getting up of that convention, so I remember it without a memorandum.

Q. But still you have not anything but your memory to show what date it was?—A. I keep a little book usually, and when I have nothing else to do I put down in it little memorandums; that book is at home, and I have no doubt I can get it.

Q. Have you refreshed your recollection by that memorandum of 1874?—A. No, sir; I have not.

Q. As you are a lawyer, accustomed to get at these things pretty accurately, I ask you whether you have any memorandum that would refresh your memory, or whether you trust simply to your general recollection of it?—A. I have a pretty good recollection, and it is indelibly fixed on my mind that that convention was held on the 24th of August. I can retrace my every step. On Saturday, the 15th of August, I made a speech at a place called Mount Lebanon; on Sunday, the 16th, I left Mount Lebanon and returned to Shreveport. I left Shreveport and went to Galveston, and staid there until Friday, when I left for New Orleans on the steamer. I arrived home on Saturday evening, and on Sunday I left here for Baton Rouge, about dark, on the steamboat, in company with some of the members of my family. I spent the night of Monday, August 24, in Baton Rouge, and on the evening of the 25th I left Baton Rouge for New Orleans.

Q. The days of the week that you remember might have been the same days in some other week of the month?—A. That could not have happened in 1874 at any other time by any possibility.

Q. Do you remember on what day of the month the convention was held in 1872?—A. No, sir, for I was not there.

Q. When was it in 1874?—A. The convention was held at Baton Rouge on the 24th of August, and adjourned on the 25th; I know that just as well as you can now remember the day that you left Washington City to come here.

Q. Were there any other conventions that year?—A. There was but that one single State convention of the democratic and conservative party, of which I was president, and as it was the first time in my life I had ever taken any prominent part in political movements I remember it very well.

Q. That makes it a day that you particularly remember?—A. There are many things that make me remember that, and it is impossible for these things to be erased from my mind. We were likely to have a great deal of trouble about the time and place of holding the convention at one time. There were various calls for a convention, and there was a necessity for harmonizing some discordant opinions on that subject. I was chairman of the committee of seventy, appointed for that purpose. I remember distinctly that the committee of seventy were instrumental in making the 24th of August the day and Baton Rouge the place at which the convention was to be held; and their action did actually harmonize all opinions upon that subject. I know so well what I did up to the first day of September, 1874, that I can trace all my movements, beginning on the 15th of August, and can tell you where I was the whole time on each day.

NEW ORLEANS, June 10, 1876.

JOHN CLARK sworn and examined.

By the CHAIRMAN:

Question. Where is your residence?—Answer. 159 Race street.

Q. What is your business?—A. Iron-founder.

Q. Did you ever put in a bid to do certain iron-work on the custom-house?—A. I put in a bid to put a new cast-iron cornice around the top of the custom-house.

Q. When was that?—A. I think that was in 1871, but I am not very sure about the date.

Q. What was the amount of your bid?—A. I think it was about \$35,000. I am not sure, either, about the exact amount.

Q. Did you ever at any time have any conversation with any officer of the Government in relation to your bid?—A. There were propositions invited in the public newspapers, and I put in my bid for, I think, \$35,000; it is somewhere about that amount; I think the propositions were to be given in on a certain day by 12 o'clock; I took down the bid, and the bids were not opened at that time. I then came away, and the next morning J. L. Sypher came to my shop; I think his name is J. L.

Q. Was it the same Sypher who is employed in the custom-house?—A. I think not; I do not know.

Q. Do you mean the Congressman, Mr. Sypher?—A. Yes, sir; I mean the Congressman, who came to me and bade me "Good morning," and asked me if I did not recollect him; I told him I did not; he mentioned certain circumstances about the purchase of a boat from me during the war, and I recollected him then; he stated that I had put in a bid for putting a cornice round the custom-house; I told him that I had; he then showed me some other bids from nine or eleven different founders in the United States, at Baltimore, Philadelphia, Cincinnati, and different places; I think it was either nine or eleven, but I have got the papers to show what it is; he showed me my bid and all the balance of them; they ran from \$35,000 to \$70,000; he told me that mine was the lowest bid by \$7,000, and showed me the figures; I told him my bid was \$35,000, and I was prepared to execute the contract for that; he then said that if I would allow him to withdraw that bid and raise it up \$7,000, he would get me the contract; he said he was pretty intimate with the Secretary of the Treasury; I think he said he roomed with him, and that he could get me the contract; I said I did not like to do anything of the kind; he said, "What difference does it make to you, you will get the amount of your bid?" I said that was all I wanted, and finally I told him he could withdraw the bid and alter it, if he liked, to the amount he stated; I said I would allow him to do that; all I wanted was the amount I agreed to do it for; he said it was for the benefit of people around the custom-house—himself and others connected with the custom-house. I do not know who they were. I asked him, "Does Captain Morse know anything about this?" Said he, "Certainly; how do you suppose we could do this thing without his knowledge?" I think he then went away; anyhow, he took my clerk down with him about withdrawing the bid, and he altered it, and he came up the next day or a day or two after; anyhow, I was not there, so he left word that he wanted to see me at the Saint Charles Hotel that night, as he was going to Washington the next morning. I came to the Saint Charles Hotel to see him; he said, "You asked me if Captain Morse knew anything about this, and I told you he did; I now tell you he did not." I said, "How do you reconcile one statement with the other?" I felt, you know, disgusted with him, and I did not talk any more with him. I saw there was something rascally in the affair anyhow. In a few days, I think, I got notice to go on with the work; I got notice that the work would be awarded to me; I think that came into the shop on a telegram from Washington, but it was brought to me by the other Sypher—the one employed in the custom-house.

Q. Do you know his name?—A. I know him very well, J. H. Sypher; I think there are two brothers; one is a Senator and the other is employed in the custom-house.

Q. You mean one is a Congressman, not a Senator; he is State senator now?—A. Perhaps so; I don't know; I know he was a member in Washington anyhow.

Q. The one that brought you notice was the one in the custom-house?—A. Yes, sir; I got notice that the contract was to be awarded to me, and to go on at once with the work; they told me that the contract would be drawn up in Washington and forwarded here for my securities and signature.

Q. Who gave you this information?—A. The custom-house Sypher.

Q. Not the Congressman?—A. Not the Congressman. I never saw the Congressman but twice—the time he came to my shop, and then again in the Saint Charles Hotel. I went to work and got the lumber and commenced setting my pattern-makers to work; then I was notified to go down to the custom-house and sign the contract, which I did; I took two securities with me, John Sinnott and Mr. Cronan, who were both men well known here. They are both dead now. I signed the contract, and signed also a sectional plan for the cornice—the plan that I had estimated on. I had estimated by the foot. There was a working-drawing of a section of it which it was intended that we should work by; this was signed and attached to the contract, and it was to be forwarded to Washington, I believe, to get the signature of the parties whose business it was to sign it. In the mean time I was going on with the work, and on the following day, I believe, after I had signed the contract, as near as I can remember, though it might be two days, this man Sypher, the custom-house Sypher, came to me.

Q. That is the Sypher at the head of the construction department in the custom-house?—A. Yes, sir; or he was so at that time. I think he is not in the service now. He came up to me, and he said that his brother had notified him that he wanted \$2,000 from me.

By Mr. CONGER:

Q. That he wanted what?—A. I think he said his brother had told him to come to me and get \$2,000; anyhow he wanted to get \$2,000; and to the best of my recollection, I think he said his brother had authorized him to get it; I told him no, I had no \$2,000; I did not owe his brother anything, and was not going to give him anything. He remarked, if I did not pay it he would break the contract, and I think, to the best of my recollection, I said to him, "Break it and be damned, and to get out of there." He went off, and in two or three days he came back with another little sketch, showing a different thing on the custom-house—showing a pediment. On the first drawing there was no pediment; when he came back with this drawing, which was a small drawing showing the pediment, I said that of course that would take considerably more material than I had estimated on; I told him that was not what I had agreed on; what I was going to do was what the specification and the drawing called for. He then went away, after I had told him that that second drawing would be so much more; whatever the additional work was in weight.

Q. When you signed the contract, you signed also the working specifications?—A. I did; I signed the specifications that I bid on, and that was the only one that was presented to me, or that I ever saw; I believe there was some correspondence took place between them and the parties in Washington about this thing. They wrote to me several times as to what the addition would be. I told them the addition would be in proportion to the weight; I went down to Captain Morse's, or at least I met him on the street, right at the post-office door, and I told him I wanted to speak to him about that thing; that I understood they were bringing up an objection about it, and that they were going to take away the contract from me; I said to him, "Captain Morse, you know what my bid was for, don't you?" He said, "Your bid was \$41,000 or \$42,000." I said, "No, sir; my bid was \$35,000." He said, it was a lie. I just called him on one side and I told him he had got to take that back, and that what I said was true, and I had proof it, because there was a third party, who transacted the whole business. He then cooled down, but he declared that he knew nothing about it; that they had deceived him, and he knew nothing about it. I told him, "Then it is time enough to adjust it now; all I want is to be paid, and the bid is plenty to pay me;" I then went away and I heard nothing more about it until a telegram had been received from Washington that my bid was rejected; that was the last of it. I spent \$300 in labor and in material on the patterns.

Q. You signed the contracts?—A. Yes, sir; and gave my securities.

Q. And on your part, the whole contract was completed and you began work?—A. Yes, sir; I had gotten the lumber from Roberts here, because the patterns were very thin, only three-eighths of an inch thick.

Q. Do I understand you to say that an offer was made to you that the contract should go on, provided you would pay \$2,000?—A. No, sir; he said that if I did not give the \$2,000 he would break the contract, or the contract should be broken.

Q. And you would not give the \$2,000?—A. No, sir.

Q. And the contract was broken?—A. Yes, sir.

Q. Which Sypher was it that told you it would be broken?—A. The custom-house Sypher.

By the CHAIRMAN:

Q. They wanted to change your figures, in the first place, from \$35,000 to \$42,000?—A. Yes, sir.

Q. And the difference you were to give to Congressman Sypher?—A. They were to get that.

By Mr. CONGER :

Q. The first specifications did not have any pediment ?—A. No, sir.

Q. And the drawing that Mr. Sypher brought you was a drawing in which a pediment was in ?—A. Yes, sir ; it was a small view of one side of the custom-house with the pediment on it.

Q. It represented something that was not in the other drawing ?—A. Yes, sir.

Q. That pediment was not bid for in your first bid ?—A. No, sir.

Q. It was put in your contract when that was changed ?—A. No, sir ; it was not put in my contract.

Q. Have you got a copy of your contract ?—A. I have not ; the contract went to Washington.

Q. But you had a duplicate of it, hadn't you ; you signed two copies ?—A. I do not recollect whether I did or not ; I do not think I have got a copy of it.

Q. Of course you signed the duplicate ?—A. I could not say that.

Q. Had you ever been a Government contractor before ?—A. Not much ; I think I have done work for the Government, but I do not know that I ever had a contract.

Q. Did you ever sign a contract with the Government ?—A. For small things, perhaps I have.

Q. In those cases you always signed two contracts, didn't you ?—A. I believe so.

Q. Then you did sign two in this case, didn't you ?—A. I do not know but what I did ; I do not recollect of myself getting a copy ; it is about five years ago, and I do not recollect exactly about it ; I am positive of one thing—that I signed a contract, and I signed a drawing.

Q. When you signed the contract, do you know whether the contract had this pediment in it, no matter what your bid was for ?—A. No, sir ; it had not.

Q. Are you sure of that ?—A. I am sure of that, most positive of it. Of course if it had I would have done it. I never knew anything about the pediment until he brought the second drawing.

Q. Was the amount to be paid you in the contract \$35,000 ?—A. I believe so.

Q. Was it not \$42,000 ?—A. The contract was \$42,000, but my portion was to be \$35,000.

Q. You were to do it all ?—A. Yes, sir.

Q. And your contract was for \$42,000 ?—A. Yes, sir.

Q. And the assistant superintendent there told you that the pediments were included in your contract ?—A. Not until after the contract was signed.

Q. He told you so afterward ?—A. He said that had to be done in the contract.

Q. What was the additional work of putting in the pediments worth ?—A. About one seventh more.

Q. That would make it just \$42,000 ?—A. Yes, sir.

Q. If, in fact, you were to make the pediments under the contract, and the contract was for \$42,000, that would have been the exact sum it was worth ?—A. Exactly.

Q. But you refused to do that additional work ?—A. No, sir ; not at that amount.

Q. I understood you to say that you told this Mr. Sypher, the assistant there, that that was not in your contract, and that you would not do it ?—A. I did ; it was not in my contract, and I would not do it for the amount I was to get for it.

Q. But you say, by the terms of the contract you signed, you were to get \$42,000 ?—A. Yes, sir ; he maintained that I had to do this work for the sum of \$35,000.

Q. You had to do it for what you signed the contract for ?—A. Yes, sir.

Q. You signed a contract for \$42,000 ?—A. Yes, sir.

Q. Then you had got in your contract \$7,000 more than you understood the specifications were worth ?—A. Yes, sir.

Q. And you had in your contract just about what it ought to have been, if the pediments were in ?—A. Yes, sir ; exactly \$42,000 would be about what would be right if the pediments were in. I did not object to doing it for that ; the contract was sufficient in amount, taking pediment and all.

Q. Why did you object to doing it for that, then ?—A. I did not object to doing it for that ; I objected to doing it for \$35,000 ; I never objected to the Government to do it.

Q. Your contract was \$42,000, which was enough to pay for all ?—A. Yes, sir.

Q. When you had that contract, why were you not willing to do the work ?—A. I was willing to do it ; it was they who made the objection ; I was willing to do it for that pay.

Q. I understood you to say that you told Sypher, when he brought you that additional sheet, that you would not do it ?—A. I told him I would not do it for my first pay of \$35,000.

Q. But you had already signed a contract for \$42,000 ?—A. I know I had, but they were to get \$7,000 out of that.

Q. Who said that ?—A. Sypher.

Q. Which one ?—A. Both of them.

Q. Both said that they were to have \$7,000 out of it ?—A. Yes, sir ; they altered the bid from \$35,000 to \$42,000.

Q. Was that the reason why Sypher asked you for the \$2,000 ?—A. Yes, sir.

Q. But you told him that you did not owe him ?—A. I did not owe him anything ; if

there was anything coming to him at all, it was after the contract was done and the money was got.

Q. But had you given him to understand that you would pay him \$7,000?—A. The understanding was this: my bid was \$35,000; they withdrew that bid and made it \$42,000; and they were to get the difference between my original bid and the altered bid.

Q. Why, then, should Mr. Sypher have brought to you an additional specification, including pediments, which would have made the whole job worth about \$42,000?—A. I will tell you why; he came to me about a day or two after the contract was signed to get \$2,000; I refused to give it to him because there was nothing coming to him in that way; whatever was coming to him would be when the money was paid; and when I was paid my \$35,000, what was left over that would be his. I tell you, gentlemen, I think shame of the action, because it was wrong on my part to allow him to alter it; it was entirely out of my business; I only did it through his persuasions, or rather he stated that unless I allowed him to do this I could not get the contract anyhow, and, as he said, it made no difference to me, so long as I got the amount I bid; I told him that was so; all I wanted was what I had bid for. The only thing I did wrong in the matter was to allow him to change it; I ought to have put my foot down on that thing and not have allowed it.

Q. From what you tell me, it seems that after Sypher came and asked you for the \$2,000 and you refused to have anything to do with that, then he came a day or two afterward and brought you this additional plan and specification?—A. He brought no specification, but only a sketch, a side-view of the cornice, with the pediment in the center.

Q. The sketch was of a section of the building?—A. Yes, sir; it was no working-drawing—only a sketch.

Q. It showed the pediment?—A. Yes, sir; it showed the pediment.

Q. And he said you were to do the pediment?—A. He said that the four pediments were to go on, one on each side.

Q. Then you say that if you did have to do the pediments under the \$42,000 contract, it was a reasonable addition?—A. The pediments made the work about one-seventh more; it would make it worth about \$40,000; it would be worth so much more per running-foot; I do not recollect about it exactly.

By the CHAIRMAN:

Q. Where was this \$2,000 to go?—A. It was to go to them. Sypher came and he said that it was as a sort of retaining-fee, or something of that sort, for his brother. I said, "It is of no use talking to me about anything of that kind."

Q. The contract was not to be changed again?—A. No, sir; the contract was signed before this. The contract was signed and security given, and the contract and the drawings were forwarded to Washington, and the next day, or the day following, he came to get the \$2,000, and I told him no, I had no \$2,000 to give him, for that was not the way I was to pay him; whatever arrangements they had made with me were for pay when I was paid my \$35,000; if there was anything over that they would get it.

By Mr. NEW:

Q. Who was it that asked you for this \$2,000?—A. The custom-house Sypher.

Q. That was after the contract was executed?—A. Yes, sir.

Q. The contract on its face called for \$42,000?—A. About that, as near as I can tell.

Q. The arrangement between you and Sypher was that when the \$42,000 was paid, Sypher was to have \$7,000 of it?—A. That was the arrangement; he told me it was to be among them there.

Q. You say that two days after the contract was executed, the custom-house Sypher called upon you and wanted \$2,000?—A. Yes, sir; or, I believe, it was the next day.

Q. He said that money was to be paid to his brother?—A. I think he did; I think he said something about a retaining-fee.

Q. Was that \$2,000, if you had paid it, to be an allowance on the \$7,000?—A. I suppose so, of course.

Q. That is to say, it was to be an advance of \$2,000 on their \$7,000?—A. Of course, I looked on it as such.

Q. That is the way you understood it?—A. Yes, sir; that is the way I understood it.

By Mr. CONGER:

Q. Was anybody by when you had this talk with Mr. Sypher?—A. Yes, sir.

Q. Who was by?—A. My book-keeper.

Q. What is his name?—A. Robert Meadowcraft; he went down with him and got the contract out and signed it.

Q. But when the Sypher that came the next day after the contract was signed came to you, was there anybody there then?—A. No, sir; it was not very likely.

Q. Did he bring you a written order for the \$2,000?—A. I think he had a letter, but he did not deliver it; I am pretty sure he said those were the instructions from his brother.

Q. In any of those transactions was there any writing signed between you and either of the Syphers?—A. No, sir.

Q. I mean about this \$7,000?—A. No, sir.

By Mr. NEW :

Q. You are not certain whether the contract between you and the Government was executed in duplicate?—A. I am not sure. If it was the custom to execute it in duplicate, it was done.

Q. Have you any recollection of ever seeing but the one copy?—A. I could not say.

Q. If the copy of it was left in your possession, you have never seen it?—A. The copy was not left in my possession; the specification may be in my possession; the drawing is, I know, and the specification ought to be.

Q. But you have no recollection whether there was a duplicate?—A. The copy was signed, I think, and was to be forwarded to Washington for the approval of the Supervising Architect.

Q. If there was a duplicate copy, you never received it?—A. Not to my knowledge.

By the CHAIRMAN :

Q. When was this sketch, described by you, shown to you?—A. I should think it was three or four days after; it was within a week, anyhow, of his coming to me for the \$2,000.

Q. Was it after you had refused to pay the \$2,000?—A. Yes, sir.

Q. This additional sketch you thought was shown to you afterward just for the purpose of getting up some sort of trick on you?—A. I thought so at the time.

Q. Was it not shown to you after you had refused to pay the \$2,000?—A. Yes, sir; the pediments were not in the drawing I estimated on, and that was attached to the contract.

Q. The pediments were no part of the contract?—A. No, sir.

Q. Do you know who got the contract finally?—A. A firm in Baltimore.

Q. Do you know what the price was?—A. I do not know. I know their bid was \$7,000 above mine; there were nine or eleven bids in all; I forget the name of the winning bid. Sypher wrote down in his own handwriting the bids for me. He wrote down the names of all the parties who were bidding. There was a firm in Baltimore, and one in New York, and one in Cincinnati, &c.

Q. What is the name of this firm in Baltimore?—A. I could not tell you; almost the first thing I knew about it was a notice that I read in one of the city papers that they had got the contract, and were going to put up their patent cornice.

Q. Have you ever been recompensed for the outlay you made?—A. No, sir.

Q. Have you made any effort to obtain recompense for it?—A. No, sir. All I did was to go to Mr. Morse and explain the thing to him. I expected that he would have taken some action about it, but I never heard anything more about it. I am almost under the impression that Morse did not know anything about the altering of the bid, although Sypher told me he did. I asked Sypher, "Does Captain Morse know anything about it?" He said, "Certainly; do you think we could do that without his knowledge?" Then he came up to my shop the day before he was to leave for Washington, and I was not present; so he left word for me to meet him at the St. Charles Hotel. At the hotel he said Morse did not know about it.

Q. Have you any information that Captain Morse did not know anything about it except the fact that Sypher told you at the hotel that he did not?—A. No, sir. Morse took me up on the top of the roof—that was before the contract was signed—and there was nothing direct from him to me, but I thought it likely that he wanted to get something from me. There was nothing except a few questions.

By Mr. CONGER :

Q. I suppose you know that neither Mr. Morse nor anybody here had anything to do with accepting the bids for this work, and that they only opened the bids, or rather received the bids, and sent them to Washington?—A. I do not know that.

Q. You know that the matter is decided in Washington?—A. I do not know that I ever had but one contract from the Government—that was to put a railing around the Chalmettes Cemetery.

Q. Did you learn that anybody here was authorized to make a contract for the Government?—A. The contract was written in Washington, and then came here and was signed and security given, and forwarded back for their acceptance.

Q. Then, you do know that the contract was made in Washington?—A. Certainly.

Q. And not by anybody here?—A. It was made in Washington, and after I had signed it and given security it was then sent back to be approved by them.

Q. Do you not know that the bids are merely received here and then sent to Washington for the action of the Department, and that nobody here has any right to act on the bids?—

A. That is my impression. I know that is the way this matter was.

By the CHAIRMAN :

Q. You mean if it is done regularly?—A. Yes, sir; I know it was done that way. The contract was represented to have come from Washington—to have been written there—and to have come here for my signature. The contract, or a copy of it, ought to have been returned to me. I now recollect that it was in duplicate, and that one copy was to be sent to me.

By Mr. CONGER :

Q. You say now that there was a duplicate copy ?—A. I think so. I have no doubt in the world that there was.

Q. You think so because it was the understanding that it was to be in duplicate ?—A. The understanding was that it was to be approved, and one of the copies was to be sent back to me.

Q. You think it was executed in duplicate because there was an understanding that it was to be so executed ?—A. Yes, sir.

Q. But you have no recollection of a copy of that contract being sent you ?—A. It never was sent to me.

Q. And you have no recollection of seeing a copy of it since ?—A. I have never seen one since. I am sure a copy was never sent to me.

Q. Have you any recollection, then, independent of your understanding of what was to be done, that the contract was, in fact, executed in duplicate ?—A. I do not recollect exactly, but I expect it was. I am confident that it was. I signed the contract in a formal way, and I gave my securities. The drawing was attached to it, and it was sent to Washington.

Q. Do you think it was executed in duplicate simply because that is the way that contracts are generally executed ?—A. I suppose so.

Q. You have no reason for believing that it was executed in duplicate except that ?—A. When I come to think of it, I am almost confident that it was in duplicate, although I have no recollection about it particularly. I am sure that the contract was formally executed in the usual way.

By Mr. STEVENSON :

Q. When the Congressman Sypher came to you, did he have a memorandum in regard to those bids ?—A. Yes, sir.

Q. Have you got that memorandum ?—A. I ought to have it ; I have not looked at it for a long time ; the bids ranged from \$35,000 to \$75,000. I believe the highest bid was Mr. Cronan's.

Q. You have not the memorandum with you now ?—A. No, sir ; and I do not know that I can find it, although I know I had it ; he brought it to me and sat at my desk and wrote it down for me, at my request.

By Mr. CONGER :

Q. Such bids are published in the papers, always, after they have gone into the Department ?—A. Yes, sir ; I believe that is the usual way.

Q. There is no concealment about them ?—A. O, no ; there was no concealment about the bids at all ; the thing that he did wrong was to take the bids and open them before they ought to be opened. He said, previous to their being opened, that he knew what they were.

Q. Your clerk went with him as your agent to alter your bid ?—A. No ; he went with him to withdraw the bid and make it bigger, but Sypher had broken open the bids before the parties who were authorized to open them did open them.

Q. Whatever change was made in your bid was done when your clerk or book-keeper was present ?—A. Yes, sir.

Q. With your assent ?—A. Yes, sir.

Q. And it was before the bids were opened ?—A. Yes, sir ; the bids were not opened on the day they were advertised to be opened.

Q. It was done at a time when you could have altered it yourself if you had not sent it in ?—A. Yes, sir.

Q. You authorized your bid being altered because you thought you had a right to alter it ?—A. I gave my consent to altering it, but it is a thing I am almost ashamed to acknowledge. I considered if I got my money it was all right ; it is a frequent thing to alter bids ; sometimes people make out two bids, but you can present only one.

Q. You had a right any day, up to the last hour of delivery, to withdraw your bid and put in another ?—A. Yes, sir.

Q. So that there was nothing wrong in that ?—A. No, sir ; and you see I was not benefited by the alteration in any way.

By Mr. REILLY :

Q. What induced you to sign a contract to do the work for \$42,000 after you had put in a bid for \$35,000 ?—A. My bid was for \$35,000 ; the bid was withdrawn before the time of opening and raised to \$42,000.

Q. It was through this conversation with Sypher that you raised it ?—A. Yes, sir ; I raised it at his request.

NEW ORLEANS, *June 10, 1876.*

JOSEPH J. DODD sworn and examined.

By Mr. NEW :

Question. What is your occupation ?—Answer. Steamboat-clerk.

Q. State whether you were a clerk on a steamboat in the year 1872 ?—A. I was.

Q. On what boat ?—A. The steamer Maria Louise.

Q. In what trade ?—A. The Red River.

Q. Do you remember whether that boat, while you were clerk upon it, brought down to this place witnesses from Red River in the Grant Parish trials ?—A. She did, sir.

Q. About how many do you know the boat brought down, of your own personal knowledge ?—A. About a hundred.

Q. What was the price charged for the passage on the boat of those witnesses ?—A. I received \$8 or \$10 per head.

Q. What was the full fare charged ?—A. \$10 and \$12 a head.

Q. It was \$10 from what point down ?—A. It was \$10 from Alexandria down.

Q. And \$12 from where ?—A. From Montgomery and Colfax.

Q. Do you remember from whom you received the pay ?—A. I do not.

Q. Do you remember from what officer or official, if any, you received the pay ?—A. I received the pay from the cashier of the United States marshal's office.

Q. Where at ?—A. The custom-house.

Q. Did you get it in cash or by draft ?—A. The witnesses gave me drafts for their passage and I cashed them.

Q. Did the witnesses give you drafts for their passage, and then the drafts were cashed at the marshal's office ?—A. Yes, sir.

Q. You did not go to the subtreasury with the drafts and get the cash there ?—A. No, sir.

Q. Do you remember whether you received the full amount per head that was charged for the transportation of the witnesses ?—A. I do not recollect whether he paid the face value of the drafts or not.

Q. What is your best recollection about that ?—A. I do not recollect ; it is some time ago.

Q. You do remember, however, that the net sum realized by the boat was at the rate of \$8 or \$10 a head ?—A. Yes, sir.

Q. Was there a marshal upon the boat when these passengers came down ?—A. Yes, sir.

Q. Do you remember who that was ?—A. Yes, sir.

Q. Who was it ?—A. Mr. Mundy.

Q. Is this the only trip that you know of on which these witnesses were carried on that boat ?—A. That is the only one ; I did not go back on the boat ; I was taken sick.

By Mr. CONGER :

Q. What is the name of the captain of the boat you were on ?—A. H. J. Brinker.

Q. Did you go up and down the river on that trip ?—A. No, sir ; I came down and did not return.

Q. Did you go up and come down, or did you get on the boat up there ?—A. I went up and came down.

Q. Was not there a deputy marshal by the name of McMickle who went up with you ?—A. No, sir.

Q. Was not there a deputy marshal who went to subpoena these witnesses, and who came down with you ?—A. No, sir ; I think it was Mr. Mundy ; the register of the boat will show.

By Mr. REILLY :

Q. Do you know whether witnesses came down on that boat more than once ?—A. I cannot say ; they may have come down twice.

By Mr. CONGER :

Q. You were not clerk on the steamboat Texas ?—A. No, sir.

By the CHAIRMAN :

Q. How many witnesses did you have on the boat when you were clerk ?—A. There were 100 to 120.

Q. How much did you receive from them for their passage ?—A. I did not receive anything ; they gave me drafts for their passage.

Q. How much did the drafts call for ?—A. \$10 and \$12 each.

Q. Were those drafts cashed ?—A. Yes, sir.

Q. How much did you receive in cash on the drafts ?—A. I do not know ; I do not recollect.

Q. Do you recollect or not whether you received the full amount of those drafts in payment of the drafts ?—A. No, sir, I do not recollect.

Q. If you had received more than the drafts called for, would it have made any impression on your mind at the time ?—A. Yes, sir.

Q. Why would it have made an impression on your mind ?—A. Because it is something so out of the ordinary run of business.

Q. If you had received more money on those drafts than the drafts called for, you would have felt that you had somebody else's money in your pocket?—A. Yes, sir.

Q. And you would have felt that, as an honest man, you would have to return the excess?—A. Yes, sir.

Q. If you had received less than the drafts called for, would you not have felt that somebody had kept money from you that was due on the drafts?—A. Not in this case; there was an arrangement made beforehand about it.

Q. Who was that arrangement made with?—A. I do not know. Captain Brinker made the arrangement.

Q. Have you any idea whom it was made with?—A. I think it was made with one of the deputy marshals.

Q. Where were these drafts cashed?—A. At the United States marshal's office, by the cashier.

Q. What was the arrangement made with the deputy marshal?—A. That we were to receive \$8 and \$10 per head, and that is what we did receive and what the books show.

Q. And how much were you to demand from the Government?—A. \$10 and \$12.

Q. And a settlement was made at \$10 and \$12 a head?—A. Yes, sir.

Q. The difference went to the deputy United States marshal?—A. I cannot say whether it went to the deputy United States marshal or whether the deduction was made on the drafts at the time of payment; it is some time ago; there may be some memorandum about it on the cabin-register of the boat; I do not know; I have not been on that boat since.

By Mr. CONGER:

Q. Did you take a list of all these witnesses with the fare charged per head and with a receipt signed by the captain?—A. No, sir.

Q. Or with a receipt signed by you?—A. If there was any list written at all, it was signed by me as clerk of the boat.

Q. Was there not a list presented specifying the trip, the name of each passenger and a charge of \$12 against each passenger, and a total charge, with your receipt at the bottom?—A. Yes, sir; to the best of my recollection I gave them a list of the drafts and the footing.

Q. Were not these drafts orders from each of these passengers on the marshal to take \$12 apiece as pay for their passage down out of his witness-fees?—A. It was an order on the marshal to pay the drafts; the drafts were on printed forms torn out of my draft-book.

Q. Did you have each of these passengers sign those drafts?—A. Yes, sir; each of the passengers signed them.

Q. That is, each witness who was a passenger signed them?—A. Yes, sir.

Q. Was that an order on the marshal for \$12 out of their fees?—A. Yes, sir; for \$10 in some cases, and \$12 in others.

Q. I looked over that list of yours and they were all for \$12.—A. I think you will find some for \$10.

Q. You gave these drafts that you got out of your check-book to the marshal?—A. To the cashier in the marshal's office.

Q. And you gave a receipt to the marshal for the \$12 or for whatever the drafts were for?—A. I do not recollect whether I signed such a receipt, or whether I simply indorsed the drafts.

Q. If there is such a receipt signed there with your name, for that trip of that boat, that receipt would be for the correct amount?—A. That would be for the correct amount.

Q. Did you get the money on these drafts at the cashier's office?—A. Yes, sir; I drew the money myself.

Q. And you drew it out of the amount mentioned in the receipt that you gave?—A. Yes, sir; out of the amount mentioned in the receipt that I gave.

Q. What did you do with the money you got for those drafts?—A. It is entered on the cabin-register of the boat what we received.

Q. But what did you do with the money after you left the marshal's office, having presented these drafts and signed this receipt and got the money?—A. I took the money to the boat.

Q. To whom would you give it there?—A. I would not give it to any one; I would put it in the safe.

Q. Did you pay any of that money, after you got it, to the deputy marshal; and, if you did, how much did you pay him?—A. I say I do not remember. Whether I got the face value of those drafts, or whether I paid Mr. Mundy the rebate of \$2 a head, the receipt ought to be on file in the marshal's office.

Q. Would not you remember if this exchange of money had been made between you and this deputy marshal in the marshal's office?—A. I know it did not take place there.

Q. Where could it have taken place?—A. As a rule I did not pay money except on the boat.

Q. Then you must have settled with this deputy marshal for whatever bonus he was to get per passenger on the boat?—A. Yes, sir.

Q. Can you remember how much you gave him per head?—A. I do not recollect anything about it; it is some time ago.

Q. Do you remember how much he was to be allowed?—A. He was to be allowed \$2 per head; that was the arrangement.

Q. Can you remember whether it was McMickle that you made this arrangement with?—A. The arrangement for the witnesses to return was made with McMickle. I did not go up on the boat. He settled with McMickle on the return of the boat, after my allowance for the up trip.

Q. Was that when these witnesses were returning from court?—A. Yes, sir.

Q. You were not on the boat when they came down from Shreveport?—A. Yes, sir.

Q. Were you on the trip when they came down?—A. Yes, sir.

Q. But you did not go up with the boat when they went up?—A. No, sir.

Q. When they came down they did not pay their trip at all?—A. No, sir; they gave me a draft.

Q. You did not get the money on the drafts until afterward?—A. The understanding was that it was to come out of their witness-fees.

Q. These were not witnesses for the Government, were they?—A. I think they were witnesses both for the Government and for the defendants. I could not say whether they were for the defendants or not.

Q. You did make arrangements with a Mr. McMickle to take \$2 out of the regular fare and give it to him in consideration of his having the witnesses go on your boat?—A. That was for the return trip, not for the down trip.

Q. You did not know the arrangements coming down?—A. Yes, sir; Captain Brinker notified me of his arrangement coming down.

Q. And that arrangement was that he was to charge the witnesses the regular fare, but was to pay this deputy marshal \$2 out of their fare in consideration of his getting them to go on his boat?—A. Yes, sir.

By Mr. NEW :

Q. Except from Alexandria down, the fare was to be only \$10?—A. Yes, sir; and my recollection is that there were six, or eight, or ten passengers.

Q. And from those passengers, the boat, under the arrangement you have referred to, would have realized only \$8?—A. Yes, sir.

Q. As I understand you, you cannot remember whether you were paid money which was paid you by the cashier at the marshal's office in full, or whether you were paid that sum, less \$2, for each passenger?—A. No; I do not remember which way it was.

Q. And you have no recollection of paying the United States deputy marshal out of that money any sum after you left the office, either upon the street or upon the boat?—A. No, sir; I think I was taken sick the same day.

Q. But it was your custom, when paying out money, to pay it at the boat?—A. Yes, sir.

Q. And you have no recollection of paying the deputy United States marshal out of that money any sum there at the boat or elsewhere?—A. I do not recollect paying out any money to any deputy United States marshal out of that money.

Q. Or in consideration of any arrangement that had been made by the United States deputy marshal about that money?—A. No, sir.

Q. State whether, if you had paid to a deputy United States marshal any part of that money there in the marshal's office, or in the subtreasury, or on the street, or at the boat, you believe that you would remember it now.—A. No; I do not think I would. I was taken very sick the same day. I was delirious within six hours after the arrival of the boat.

By Mr. CONGER :

Q. Were you not given a draft on the subtreasury for the whole amount of that money which you receipted for, whatever the sum was, and did you not have to go to the subtreasury and draw that money?—A. I think I was paid the money by the cashier in the marshal's office; the bank-account of E. Connery & Son would show, if the boat was paid by check.

Q. I am speaking now of that list of down passengers for whose drafts you receipted?—A. Yes, sir.

Q. You think the cashier paid you?—A. Yes, sir.

Q. Was the marshal himself, Mr. Packard, there at the time?—A. I do not know the marshal. I never saw him that I know of.

Q. Can you remember whether you received a draft on the Treasury or whether you received bills or money for it?—A. I think I received money; if I received a check Messrs. Connery's bank-account will show it; it must have been deposited by them, if I received the check. I never was in the subtreasury in my life.

NEW ORLEANS, *June 10, 1876.*

WILLIAM H. FINNEGAN, sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. On Nashville avenue, New Orleans.

Q. What is your business?—A. I am a gauger in the custom-house at New Orleans.

Q. How long have you held that position?—A. Since 1871.

Q. How many gaugers are there in the employ of the New Orleans custom-house?—A. I am the only one now.

Q. Who has been associated with you heretofore?—A. When I entered the office in 1871—

Q. In the last three or four months who has been your assistant?—A. Thomas Cavanagh.

Q. Is he in the city now, and in the employ of the Government?—A. He is in the city, but not in the employ of the Government.

Q. What salary do you receive?—A. \$1,500 a year.

Q. Do you get that entire amount?—A. Yes, sir; I receive my pay monthly; it amounts to \$125 a month.

Q. Did you ever pay to any officer of the Government any money out of your salary, directly or indirectly, for the privilege of holding the office that you are now employed in?—A. No, sir; not a cent.

Q. Have you not stated to persons now in this city that you did pay a certain amount for that purpose?—A. Never, in all my life.

Q. Have you paid within the last twelve months any money to any officer of the custom-house?—A. Not a dollar.

Q. You deny positively on oath that you have ever paid, or that you have ever told anybody that you had paid?—A. I never told a solitary soul; it would be a falsehood on my part if I had told anybody so. Nobody could ever say so that ever breathed. In fact, I can't live at the rate of pay I now receive. I can show my bank-accounts to-day and show you that it costs me a good deal more to live than my salary comes to. I would not pay money to hold office for any consideration.

By Mr. REILLY:

Q. Have you loaned money to any officer since you have been employed in the custom-house?—A. Yes; I have loaned money to men who are now discharged, and they owe it to me.

Q. Who are those parties?—A. I don't wish to mention names, because they are not in the custom-house now. I don't wish to give publicity to anything of that kind.

Q. Did you ever loan money to any officers in the custom-house that was repaid to you while they were in the custom-house?—A. I loaned money to parties in the custom-house when they were employed there that did not pay, but they are now out of the custom-house.

Q. Did you loan money to parties who were in the custom-house, and who paid you back while so employed?—A. Yes; sometimes I have loaned employes in my office, who have paid it back.

Q. Did you loan money to any of your superior officers?—A. Never.

Q. Was any of this money so loaned by you and paid back to you paid at the making up of their accounts?—A. O, no; it was a mere matter of courtesy and accommodation.

Q. It was a private matter?—A. Yes, sir; a small matter of \$5 or \$10, or something of the kind, which they would pay back when they got the money.

By Mr. NEW:

Q. What office do you hold in the custom-house?—A. I am gauger of customs.

Q. How long have you held that office?—A. Since 1871.

Q. What salary do you receive?—A. \$1,500 a year.

Q. Is any part of that salary now due and unpaid?—A. None, except from the first of this month.

Q. You have, then, in fact, been paid all moneys due to you from the Government on account of your services in the custom-house, except what is owing to you since the first of the month?—A. Yes, sir; the pending month's salary does not become due till the end of the month.

Q. No part of it has been kept back that you have not received?—A. Not a dollar in the world, to my knowledge.

NEW ORLEANS, *June 10, 1876.*

JOHN J. FLATLEY sworn and examined.

By Mr. REILLY:

Question. Do you live in this city?—Answer. Yes, sir.

Q. Have you ever been employed in the custom-house here?—A. I am now, sir.

Q. How long have you been employed there?—A. Since February 1, 1873.

Q. Did you ever receive any money out of the custom-house prior to the time you were employed there in 1873?—A. I never did.

Q. Did you ever know that your name was on the rolls?—A. No, sir; I never did.

Q. Did you ever hear that it was?—A. I never heard of it.

Q. Did you ever receive any money from any person else that purported to come from the custom-house?—A. I never did.

Q. What was your business in 1872?—A. I was proprietor of the Rosebud saloon.

Q. Were you president of a political campaign club that fall?—A. Yes, sir; in 1872, I was.

Q. Did you know George W. Ferguson?—A. No, sir; I never knew him.

Q. Did you receive any money during that campaign to be used by you in that campaign?—A. I never received any money in my life from any person for such a purpose.

Q. You do not know that your name appears on the rolls at the custom-house?—A. I suppose my name appears on the rolls a store-keeper—

Q. Did it before your employment?—A. Never before my employment.

Q. Did you take part in that campaign?—A. I did.

Q. You spent no money except your own private money?—A. I did not. I spent no money except my own private money.

Q. Do you know whether any of the members of the club that you belonged to got money from the custom-house?—A. I do not.

Q. Did they get money from any person to expend in the campaign?—A. I couldn't say.

Q. Did you ever hear any of them say they had?—A. None, except one man named Murphy; I heard him say that he received money for work that he had done.

Q. I do not mean that; I mean money to be spent in the campaign.—A. No, sir; I don't remember any.

By Mr. NEW:

Q. You say you spent no money during that campaign except your own private money?—A. I did not.

Q. Did you have any money which you regarded as your own private individual money, which you had received because of work that you had done or were to do in the campaign?

—A. I never received any money from any person.

By Mr. REILLY:

Q. When were you subpoenaed?—A. This morning.

Q. Has any person talked to you upon the subject of your being subpoenaed before this committee?—A. Never; I wouldn't allow any man to do that.

Q. No person has said anything to you about it to-day?—A. No; nor at any other time, either.

By Mr. CONGER:

Q. Do you mean that no person has talked with you?—A. Nobody except the man that summoned me.

Q. Have you not been talked with here in the adjoining room by any member of the committee about your testimony?

[Mr. Stevenson said that he had talked with the witness in the adjoining room.]

A. Yes, sir; there was a gentleman spoke to me.

By Mr. REILLY:

Q. Did any person else talk to you except Mr. Stevenson?—A. Nobody else, excepting several gentlemen in that room. But Mr. Stevenson is the only one who spoke to me in relation to this affair.

Q. Did you have a talk with General Sheldon about being subpoenaed here?—A. No, sir; we did not speak about it.

Q. He was not engaged with you in conversation for some minutes in the adjoining room?—A. No, sir; he just shook hands with me and walked away.

Q. He said nothing at all about your being a witness here?—A. I told him I was summoned as a witness, and he said, "What is the reason they want you? What did you ever do, John?" and walked away. That is all the conversation he had with me.

Q. Were you and General Sheldon seated together when you talked?—A. No; we stood up. When I told him I had been summoned he said, "What is the reason of that? What did you ever do, John?" and walked away and took a drink, and left me standing there by myself.

Q. Is that all that occurred?—A. That is all.

Q. Then you did talk some about it?—A. That is all we said in conversation.

By Mr. WHITAKER:

Q. You did not say anything to me?—A. No, sir; I don't know you at all; I never saw you before in my life.

NEW ORLEANS, *June 10, 1876.*

GEORGE P. WRIGHT sworn and examined.

By the CHAIRMAN :

Question. What is your occupation ?—Answer. At the present time I am employed in the post-office.

Q. In what capacity ?—A. Superintendent of letter-carriers.

Q. What is your salary in that position ?—A. My salary is \$125 a month.

Q. Were you ever in any other department of the Government in this city ?—A. Yes, sir.

Q. In what ?—A. I have been in the custom-house.

Q. When did you leave the custom-house service ?—A. I think it was in 1871.

Q. Did you resign, or were you dismissed ?—A. I was dismissed.

Q. When did you enter the postal service ?—A. I think it was in 1873.

Q. By whose appointment ?—A. By Mr. Ringgold's.

Q. How many carriers have you in this city ?—A. Forty-seven.

Q. Are they all on Government duty ?—A. Yes, sir.

Q. What is the compensation of each ?—A. The salaries vary. The first year of an appointment a carrier gets \$700 ; the second year, \$800 ; and the third year, \$900. That is the largest salary.

Q. The salary depends upon the length of service ?—A. Yes, sir. When I first went into the post-office they were appointed at a salary of \$800 to start with.

Q. Have you discovered any frauds or irregularities in the carriers' department within the last year or eighteen months ?—A. There was a carrier found embezzling registered letters a short time ago.

Q. Was he reported to the district attorney ?—A. An affidavit was made by me before a United States commissioner ; he was sent before the court, where he pleaded guilty, and was sent to the parish prison for six months.

Q. Is that the only case ?—A. That is the only case that I can call to mind now.

By Mr. CONGER :

Q. I call your attention to the testimony of Mr. Kinsella, of which probably you have seen a report in the papers.—A. I have seen something of it in the papers.

Q. He testified in regard to the landing of smuggled cigars as personal baggage in trunks, as I understood at the time when you were inspector of customs ?—A. I was inspector of customs at that time.

Q. He stated that some charges were made against you ; do you wish to say anything to the committee in regard to that ?—A. I have nothing to say ; I was simply there on board the steamer ; I was examining officer, among others.

Q. On that occasion were you charged with any complicity in that matter ?—A. I never have been.

Q. Was any charge of your having done wrong brought to your knowledge at that time ?
A. No, sir.

Q. Was your removal from office connected with the examination of that matter ?—A. I never inquired.

Q. Was it so stated or charged against you ?—A. I did not hear it so.

Q. Was the baggage said to contain those smuggled cigars examined or passed upon by you ?—A. There was no baggage that I passed upon that contained anything wrong.

Q. Do you remember the circumstances of the case ?—A. I remember its occurring.

Q. The trunks being sent up from below ?—A. All the trunks came up from the cabin or some portion of the vessel under the deck.

Q. Where were you stationed ?—A. I had no regular station ; I was in different parts of the vessel.

Q. Did you see the trunks which were found to contain these cigars ?—A. I saw them for the first time at the custom-house.

Q. Had you passed them off the vessel yourself ?—A. No, sir.

Q. Were they passed off under your check ?—A. No, sir.

Q. Are you certain in regard to that ?—A. I am sure that I put no check upon anything that had anything in it but clothing, or something of that kind. When I saw the trunk there was no check upon it at all.

Q. You may state whether you had any complicity in that matter.—A. I had nothing to do with it.

By the CHAIRMAN :

Q. Did you ask why you were discharged from the custom's service ?—A. I never inquired of any of the officials there at all.

Q. Did they communicate to you in any way, shape, or form, the cause of your dismissal ?—A. I have no recollection of it if they did. I received a notice some little time after that that my services were no longer required.

NEW ORLEANS, *June 12, 1876.*

The following papers were read and ordered put in evidence :

CUSTOM-HOUSE, NEW ORLEANS, LA.,
Collector's Office, June 12, 1876.

SIR: Referring to your note of even date relative to the subpoena by your committee calling for certain vouchers, &c., for the years 1870, 1872, and 1874, I have the honor to inform you that all vouchers on file in this office for those years have been sent you. All other vouchers than those sent you have been forwarded with the collector's accounts to the Treasury Department at Washington.

I beg to invite your committee to send a subcommittee to examine all records and papers in the custom-house.

Very respectfully, your obedient servant,

P. F. HERWIG,
Special Deputy Collector.

Hon. R. L. GIBSON, *Chairman Committee, &c.*

TREASURY DEPARTMENT,
July 16, 1870.

SIR: You are hereby authorized and instructed to disburse upon vouchers, certified by J. F. Morse, superintendent, the funds appropriated for the repairs of the custom-house at New Orleans, La., under your bond as collector of that port. Your compensation for this service will be one-eighth of 1 per cent. upon the amount of your disbursements.

Very respectfully,

GEO. S. BOUTWELL,
Secretary.

JAMES L. CASEY, Esq.,
Collector of Customs, New Orleans, La.

NEW ORLEANS, *June 12, 1876.*

WILLIAM McDUFF sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. 88 Washington street, New Orleans.

Q. What is your occupation?—A. I am what is called a commercial corn-broker; I deal in corn and produce of that kind.

Q. Were you ever in any employment under the Federal Government?—A. I was employed by the Quartermaster's Department after the arrival of General Butler, and continued in that place, buying grain, for some time.

Q. I mean within the last seven or eight years?—A. I held a commission from Mr. Chase, Secretary of the Treasury, as cotton-weigher for the internal revenue, and also under Mr. McCulloch. I never held any custom-house office; all the business I have ever had with the custom-house since the 4th of March, 1869, was that I weighed one hundred and twenty-odd dollars' worth of sugar for them.

Q. Have you any knowledge or information about any shipment of whisky through this custom-house, or from this port?—A. I have not been in the whisky-ring since the latter part of 1868, and I know nothing about any whisky transactions since then. Before that there was whisky purported to be shipped from here. The whisky had been taken out of the bonded warehouse to be disposed of. Under the bond it was necessary to get a certificate from the collector of the port that it had been shipped, and also to get another certificate from an official where it went to, that it had been received.

Q. What time was this?—A. In 1867, mostly.

Q. State everything you know about that transaction.—A. All I know positively is that I saw the whisky taken out of the warehouse and sold on the street; it purported to be exported. I was not in the secrets of the custom-house so as to know whether it went through or not.

Q. Do you know the quantity of whisky?—A. No; I couldn't be positive about that; it was a very large amount.

Q. Do you know what vessel it went on?—A. The whisky I am alluding to didn't go on any ship.

Q. What was done with it?—A. It was sold in the market here.

Q. What was put in its place?—A. Nothing.

Q. What do you state to be the irregularity about the transaction?—A. This whisky came from the West in 1866 or 1867, I think, and was put into a bonded warehouse; the object was to get it out of the bonded warehouse without paying the tax of \$2 a gallon; it was got out and sold for \$1.50 and \$1.75. To cover the bond so that the Government would not know it was in the custom-house, I presume they wanted to get a certificate from some foreign place that that whisky had been exported, and that canceled the bond that the party had given to the internal revenue.

Q. There was a tax of \$2 a gallon on whisky then?—A. Yes, sir.

Q. And whenever whisky was going to foreign countries there was a drawback to that extent?—A. Always.

Q. Do you mean to say that this drawback was paid upon this whisky, which, in point of fact, never was exported?—A. I mean to say that they got the certificates that it was exported, but it never was exported. They simply got the certificates which relieved them on the bond.

Q. Who was the shipper of the whisky?—A. I don't know.

Q. Who was the owner of it?—A. There was one lot of whisky consigned to Mr. S. H. Kennedy, which was sold at auction and brought 16 cents a gallon. I saw that whisky for sale on Poydras street three different times.

Q. Who was collector of the port at that time?—A. I think Perry Fuller was; I am not sure.

Q. What year was it?—A. That was in 1866 or 1867. I don't recollect who was the collector of the port at that time. I think now that Wm. P. Kellogg was the collector—the same man who is now governor of Louisiana.

Q. Do you know anything about any money being paid by any party in that transaction?—A. That is only hearsay. I didn't see it paid. I understood Mr. Jim Clark engineered the thing through. They call him Jim Clark. I think James is his name.

Q. Where is Mr. Clark now?—A. He left here, and he told me he was going to Europe. I don't know whether he got there or not.

Q. He is not in town, you think?—A. I don't think he is. I haven't seen him since he left. I think you have seen him since I have.

Q. Is he the same Clark that was in Washington?—A. That is the gentleman.

Q. Did you ever talk about this matter with Captain Hall?—A. Yes, sir.

Q. Have you talked with Mr. Meeks about it?—A. Yes, sir; I have talked with him about it.

Q. Did you ever talk about it with Mr. White?—A. Yes, sir; Mr. Jonas White.

Q. When did you talk about it with those gentlemen?—A. I was talking casually about it to Mr. Jonas White within a very few days. He told me that Mr. Sullivan, who was Government agent, had gone on to see the Secretary of the Treasury about it; but Mr. White is here, and he has a better recollection of the conversation than I have, I suppose.

Q. Where is Mr. White?—A. He is in the custom-house now.

Q. What warehouse was this large lot of whisky in when you saw it?—A. That was in a private warehouse on Peter street, that Mr. Kennedy had rented. He could not sell it in any way except at auction. The party that bought it put it on the market, and it sold for \$1.50 and \$1.75 a gallon on the next day. There was another bonded warehouse just below there, that contained a large amount of whisky that purported to be in there, and it took fire and burned up. That covered that bond. That was the end of that. That was kept by Ex-Gov. Mattison, of Illinois, I think. I think he is now dead. I was in this whisky business myself, and was furnishing grain for two parties making it. In the summer of 1868, they sent Judge Dent down here to straighten up the whisky frauds. The tax was \$2 a gallon, and yet the price had run down as low as six bits a gallon. I was then owner, and in fact now own, the Crescent City Mills. I was not then working them, and so allowed them to store whisky in there, more for my own protection, to get pay for what they owed me for corn, than anything else. They came down and wanted to seize that whisky; in fact, they wanted me to pay \$8 a barrel on it. I refused to do it, and I never paid it. I had that whisky sold for me for 75 cents to a dollar. That is all I know about the whisky.

By Mr. CONGER:

Q. These transactions occurred nine or ten years ago?—A. Yes, sir.

Q. Under President Johnson's administration?—A. Yes, sir; the most of them, I think.

Q. All the backsliding that you know of occurred under Mr. Johnson's administration?—A. I haven't had anything to do with whisky myself since 1868.

Q. In 1868 your business brought you in connection with some of the whisky men in furnishing grain to them?—A. Yes, sir.

Q. So that you got a little inkling of the business?—A. Yes, sir.

Q. Can you give me the names of the persons who did this crooked-whisky business?—A. No; I do not know that I could. I have heard that Southard & Warren were; but it is only hearsay.

Q. You did business with some of these men, I understand you?—A. Yes, sir.

Q. Can you not state to the committee the names of some that you charge pretended to

export this whisky and did not? I mean the owners of the whisky.—A. I know Mr. Kennedy did not, because he sold at open auction.

Q. What owners of whisky defrauded the Government this way? I do not want the names of those who were honest.—A. I tell you that I don't know that I can name any one; but, if I wanted to find out, I would go to the custom-house and see who exported that whisky.

Q. I want to know the names of the men.—A. I don't know of any one that did it. I was told this in the start by some one else.

Q. Give me the names of those who told you.—A. I have given Jonas White.

Q. Was he in the custom-house then?—A. Yes, sir.

Q. Do I understand that you don't know anything about this of your own knowledge?—A. Of my own knowledge, I do not; I told you I didn't; I wasn't in the custom-house; I did not see any of the transactions, and only know from understanding and report.

Q. I understood you to say that you saw some of the same whisky that had been withdrawn for exportation, sold on the street?—A. Yes, sir.

Q. Whose whisky was that that you saw sold on the street?—A. That was in the bonded warehouse, belonging to S. H. Kennedy, and sold at public auction.

Q. Who sold it?—A. I think Mr. P. Morphy, the auctioneer.

Q. Was it sold under execution?—A. No, sir; it was sold to close up the concern—to pay the warehouse expenses and freight. It was legitimate commercial business, so far as Mr. Kennedy was concerned.

Q. What was wrong about selling it on the street?—A. If a man had a nose on his face, he could see that if whisky was bought at 16 cents a gallon one day, when the tax was \$2, and it was sold the next day for \$1.50 or \$1.75, there was something wrong about it.

Q. Would he have to have a nose on his face to see that there was something wrong?—A. They smell such things out here.

Q. Then, because it was bought at auction at such a small price, you think it was crooked?—A. Sixteen cents was a good price; they would like to contract with you now for that.

Q. What was the matter with it, then?—A. The small price of \$2 is what you are thinking about; \$2 a gallon would be a small price.

Q. Was it sold subject to the tax?—A. Certainly it was.

Q. What was the matter with it, then, if it sold at a good price, and sold subject to the tax?—A. It was bought; that is all straight enough, but instead of paying \$2 it got through without paying.

Q. How do you know it did? Did you buy any of it?—A. No, sir; I didn't.

Q. Who bought it at 16 cents?—A. Smith & McKenna got some, and James Connolly & Co.

Q. Did those men get the whisky without paying the duty?—A. I don't think they did, for the reason that they sold it afterward. I don't think they ever paid the duty.

Q. Give me the names of the business men here that you say violated the law in that respect.—A. I have given you the names of James Connolly & Co. and Smith & McKenna. I think they bought it, but Mr. Morphy's account-sales will show, and that will be good evidence. I can't trust my memory for things ten years ago.

Q. I want you to give me the names of the men that you think robbed the Government.—A. I have told you that I am not positive who bought.

Q. You did not yourself?—A. I did not buy any.

Q. Did you have any knowledge of it personally?—A. I was right there.

Q. Did you see anybody cheat the Government?—A. No, sir; I didn't. I didn't follow that whisky to the custom-house to see that it paid all the duty.

Q. It was in custom-house store, then, was it not?—A. No, sir.

Q. Where was it?—A. It was in a private bonded warehouse.

Q. It was under the control of the Government in the bonded warehouse, was it not?—A. Yes, sir.

Q. You think it got out without paying duty?—A. I do.

Q. Why do you think so?—A. Because I found it sold at less price than the duty.

Q. How do you know that it was the same whisky that was in the bonded warehouse? What was the brand?—A. Dexter brand.

Q. Was the name of Dexter on the barrel?—A. Yes, sir.

Q. What other marks?—A. The regular marks for whisky.

Q. Was Dexter the name of the manufacturer?—A. That is the brand of the whisky.

Q. Was there not a good deal of Dexter whisky sold in New Orleans?—A. No, sir; that was the only lot at that time.

Q. Had there not been before?—A. I don't think there had been. Mr. Kennedy was sole agent.

Q. You do not mean to say that you are so familiar with the whisky business here that you can tell exactly when a barrel of Dexter is sold and when it is not sold?—A. Most assuredly I can.

Q. Did you know all the whisky that was here?—A. No, sir; but I can tell Dexter's whisky from any other man's.

Q. How are you able to tell the committee about a barrel that the duties were or were not paid on?—A. I simply tell you that I saw this whisky sold at auction at 16 cents.

Q. That was subject to the duty?—A. That was subject to the duty, and I saw it in a few days afterward selling at \$1.50 and \$1.75 a gallon. That is what I tell you.

Q. Suppose that had been watered one-half. They could have afforded to sell it at that, could they not?—A. Whisky is not sold that way. It is sold by the proof-gallon.

Q. What is the name of the party that sold it at \$1.75 on the corner of the street?—A. I have told you I think it was Smith & McKenna.

Q. Do they do business there now?—Q. No; I think the house is broken up.

Q. Where are the men?—A. I think Mr. McKenna is dead. I do not know whether Connolly is dead or not.

Q. Do you think Smith & McKenna are both dead?—A. I don't think Smith is. I think he is on Tchoupitoulas street.

Q. What is his given name?—A. I don't know.

Q. Can you not find out?—A. This young man [referring to Walter Reagan] says it is Thomas.

Q. Was it not John?—A. I have said this young man says it is Thomas; I don't know myself what his given name was.

Q. Connolly, you think, sold some of this?—A. Yes, sir.

Q. Is he or any member of his firm alive yet?—A. I think Mr. Connolly is alive.

Q. Where is he?—A. I don't know; I haven't seen him for several years. Mr. Fox died about a year ago in New York; I haven't seen any of the firm since the death of Mr. Fox.

By Mr. WOODBURN:

Q. Can you swear that the Government was defrauded of duties upon the Dexter whisky by reason of any collusion on the part of the owners of the whisky with the revenue officers?—A. No, sir; I can't.

By the CHAIRMAN:

Q. Who was the collector of internal revenue here at that time?—A. General Stedman, I think.

Q. Who was collector of customs?—A. William P. Kellogg.

NEW ORLEANS, June 12, 1876.

JOSEPH C. BUDDENDORFF sworn and examined.

By Mr. REILLY:

Question. Where do you reside?—Answer. In New Orleans.

Q. How long have you been a resident of this city?—A. About twenty years.

Q. What is your present occupation?—A. I am a clerk at the office of Charles A. Whitney & Co., agents of the Morgan line.

Q. What was your business in 1872?—A. I was book-keeper for the National Republican Printing Company in this city.

Q. What was the principal business of that company?—A. It was gotten up principally for the campaign; they had a regular newspaper office.

Q. They published a newspaper by what title?—A. The National Republican.

Q. Were you employed at the commencement of the publication of that paper?—A. No, sir; I was employed there from April to November, 1872.

Q. How long had it been in existence prior to your connection with it?—A. From May 6, 1871.

Q. In what capacity were you employed by the company?—A. I was book-keeper.

Q. Will you please state to the committee what knowledge you have as to the means by which that paper was supported? State all knowledge you have of any receipts of money, from what sources, by whom it was paid, and where, as fully as you can, if you know that any money was paid by any person holding office under the United States Government.

Mr. CONGER objected to the question on the ground that it related to purely private matters. After discussion, the question was withdrawn by Mr. Reilly.

Q. What were the duties pertaining to the position you held?—A. My duty was to keep the books.

Q. Did you have any connection with the collection and disbursement of moneys?—A. Yes, sir.

Q. Will you state whether at any time during your connection with that company you received large amounts of money for the support of that paper at any public office of the United States?—A. Yes, sir; upon several occasions I received from \$1,000 to \$1,200 from J. L. Herwig at the custom-house.

Q. What position did J. L. Herwig hold if he held any under the United States Government?—A. He did hold a position, but I have forgotten the name of it now.

By Mr. CONGER :

Q. Is this Herwig employed at the custom-house ?—A. He was.

Q. What was his position ?—A. I could not tell exactly. I think he had charge of bonded warehouses if I am not mistaken ; he was superintendent of warehouses, I believe.

By Mr. REILLY :

Q. In what part of the custom-house did you receive this money—what particular room ?—A. It was down-stairs on Old Levee street, between Canal street and the custom-house.

Q. What office was it ?—A. The office of superintendent of warehouses.

Q. Upon how many different occasions did you receive money at that place from that person ?—A. That is a very hard question for me to answer.

Q. About how many, to the best of your knowledge ?—A. Sometimes I would receive it there and at other times at the office of the National Republican.

Q. From whom would you receive it there ?—A. From Mr. Herwig at the custom-house.

Q. How often would you receive this money from him, either at the office of the paper or at the custom-house, and for what was it paid to you ?—A. It was paid to me to pay off the hands at the newspaper office.

Q. How often did you receive these amounts ?—A. Whenever they were short at the office.

Q. How often would that be ?—A. I suppose two or three times a month. We paid off weekly.

Q. Do you mean to say that you received the amount of \$1,000 or \$1,200 two or three times every month ?—A. Whenever we were short.

Q. In answer to my question as to how often you were short, you said, "Two or three times a month." Do you mean to be understood as saying that you received \$1,000 or \$1,200 from Herwig at the custom-house or at your office that many times a month ?—A. I could not say without the books ; whenever they were short I would always get the money from him.

By Mr. CONGER :

Q. Was that paper published by a stock company ?—A. It was known as the National Republican Printing Company.

Q. It was a company organized to print that paper, was it not ?—A. I should judge so from the name.

Q. Was not Mr. Stockdale president of the company ?—A. I think he was at one time, or Mr. Joseph H. Wilson was.

Q. Who was treasurer of that company ?—A. J. L. Herwig.

Q. The very man you said paid you money for paying the expenses ?—A. Yes, sir.

Q. In whose hands would the money for paying the expenses of publication of that paper be, according to its by-laws ?—A. In the hands of the treasurer.

Q. Who was this same Mr. Herwig ?—A. Yes, sir.

Q. So that the money that you have spoken of was paid for its regular expenses by its regular treasurer ?—A. The money that Mr. Herwig received was from the—

Q. Just answer yes or no. Was the money that you have spoken of to pay off the hands and to pay the regular expenses, paid to you by the regular treasurer of the company that published the paper ?—A. It was.

Q. Why do you connect him with the custom-house if he paid it as treasurer ?—A. For the reason that I always received it at the custom-house.

Q. You said you sometimes received it at the newspaper office ?—A. Sometimes I did, and sometimes at the custom-house.

Q. His regular office was at the custom-house, was it not ?—A. Yes, sir.

Q. Did you go to him as a custom-house official ?—A. No, sir.

Q. Then why do you talk about him in connection with the custom-house ?—A. I was saying where I received the money.

Q. You said you received it from the custom-house office ?—A. So I did.

Q. Did you receive it from Mr. Herwig as a custom-house official or as treasurer of the company ?—A. As treasurer of the company, I should judge.

By Mr. REILLY :

Q. Do you know of any persons who were in the employ of that company whose names were on the rolls of the custom-house and who received their pay there ?—A. I could tell you who were in the employ of the office and returned on the pay-rolls at our office.

Q. Do you know that those persons were paid at the custom-house ?—A. No, sir ; I do not.

Q. Have you heard that they were ?—A. I have heard so.

Q. Do you know by whom they were employed and sent to work in your office ?—A. No, sir ; I do not.

Q. Give us the names of such persons who were employed in this newspaper office and who were returned upon your pay-rolls.—A. Charles Baquie, George W. Carter—

Q. What position did Mr. Carter have on the paper ?—A. He was at one time the editor-in-chief.

Q. Who else?—A. Mr. Reagan.

Q. Who else?—A. That is all that I can remember now.

Q. You do not know who employed these persons or who paid them?—A. I do not.

Q. How long were you connected with the institution as book-keeper?—A. About eight months.

Q. When did your connection with the paper cease?—A. In the latter part of November, 1872.

Q. Was the paper published after you left it?—A. I hardly think it was.

Q. Were these payments of money that you have mentioned continued during these eight months that you were connected with the paper?—A. As I said before, when they were short I would always go to Mr. Herwig to get the money.

Q. Do you know who were the directors or stockholders in that company?—A. I do not.

Q. Or whether there were any?—A. I can't answer that question.

Q. What parties appeared to have the management of it?—A. P. F. & J. L. Herwig.

Q. What part did P. F. Herwig take in the management of it; was he an officer?—A. Not that I can recollect. He was continually around there examining the books, and I should judge from that that he had something to do with it; in fact, both of them.

Q. You never received any money from him?—A. I was paid my salary only.

Q. Did you ever see the stock-book of this company?—A. No, sir.

Q. Did you hold any stock?—A. No, sir.

Q. Was there a board of directors?—A. I believe there was; but I really could not tell you the names of them.

Q. Do you know any of them?—A. I may, if I heard their names. I don't exactly know who they were.

Q. What was the business at that time of Mr. Wilson, who was president of it?—A. He had a dry-goods store on Canal street. He is now in Houston, I believe; he was, not long ago.

Q. Do you know anything about assessments being levied on the employés of the custom-house for stock for this paper?—A. There was an assessment of one dollar a month.

Q. What knowledge have you upon that subject?—A. Every quarter I would make up the pay-rolls and send in the bills.

Q. What kind of bills would you make out?—A. In the regular form for bills—"So and so, debtor, to the National Republican, \$3, for three months' assessment for paper."

Q. Who were the persons you made out bills to every three months?—A. Employés at the custom-house.

Q. All of them?—A. All of them.

Q. Was this a voluntary contribution on the part of these people?—A. I could not tell you.

Q. Do you know how it came to be made?—A. No, sir; I do not.

Q. From whom did you receive your instructions to make out these bills?—A. From George Wood, the business manager.

Q. Did you have any authority from any of these people in whose names you made assessments to make out these bills?—A. I had authority from Mr. Wood, the business manager.

Q. I speak of the parties themselves; do you know anything about their authorizing these assessments to be made upon them?—A. No, sir; I do not.

Q. I would like you to state, as nearly as you can, your best judgment about the total amount of money you received during these eight months that you were engaged on that paper?—A. It would be impossible for me to answer that question unless I saw the books.

Q. Where are those books now?—A. They were at the Republican office, I heard.

Q. In whose charge?—A. In charge of an officer.

Q. In charge of what particular person?—A. I could not tell you; they were sent there after I left.

Q. Is the Republican office in existence now?—A. It is.

Q. Is it the same office you were connected with?—A. No, sir.

Q. But the assets of the one you were connected with are in connection with the Republican office now, all that is now known as the Republican office?—A. Not that I know of. A settlement was made after I left, and the books were turned over to Mr. McFarland.

Q. Is he connected with this establishment now?—A. No, sir; he is in the post-office.

Q. You cannot form any idea at all as to the amount of money?—A. No, sir.

Q. Was it as much as \$30,000?—A. It would be impossible for me to tell.

Q. You cannot form any idea at all?—A. I cannot.

[Mr. CONGER said that he wished his objection to going into a private matter to apply to these questions.]

By Mr. WOODBURN:

Q. You say you were in the employment of this printing company about eight months?—A. Yes, sir.

Q. How many times did you present bills to the employés of the custom-house for a dollar a month while you were in that office?—A. I think I made them out twice.

Q. To whom did you present the bills for collection?—A. To Mr. J. L. Herwig.

Q. He was the treasurer of the company?—A. He was.

Q. Did your books contain the names of the employés who owed the company a dollar a month?—A. Yes, sir.

Q. What was the monthly subscription price of the paper?—A. One dollar.

Q. Were these men subscribers to that paper?—A. They were, most undoubtedly.

Q. And did it not so appear on the books of the company?—A. Yes, sir.

Q. Do you think there was anything strange about the fact of your making out bills against employés of the custom-house or any other Government employés for their monthly subscriptions?—A. No, sir; there was nothing strange about it.

By the CHAIRMAN:

Q. Do you or not know whether it was understood by these parties that they would be dismissed from their places in the custom-house if they did not pay their subscriptions?—A. That was the current rumor on the street.

Q. Did any one ever decline to pay his subscription?—A. Not to my knowledge.

Q. Did any one ever complain that he had to pay his subscription?—A. Not to my knowledge.

Q. Do you know whether anybody was ever dismissed for not having paid his subscription?—A. I do not.

Q. How many names were among the parties that paid this money, who were in the custom-house?—A. Between 200 and 250.

Q. In what department of the custom-house were they employed?—A. In different parts; every office, in fact.

Q. Do you know whether there was anybody employed in the custom-house from whom you did not collect this money?—A. No, sir; I do not.

Q. Did you have any information that these parties who were in the employ of the custom-house were compelled to pay this money?—A. That was the rumor on the street.

Q. You never heard it from any of them?—A. No, sir; I never had any business with them, except with Mr. Herwig.

Q. You got the money from him?—A. Yes, sir.

Q. You never saw these different parties at all?—A. I turned the bills in to Mr. Herwig for collection, and he collected the money himself, I think.

Q. Did you have a subscription-book in which the names of subscribers were placed?—A. Yes, sir.

Q. Did you call upon each one of these employés in the custom-house to subscribe?—A. I did not.

Q. Who subscribed for them?—A. I do not know: the names were in the books when I was first employed in the office.

Q. There were 250, you say?—A. I should judge from 200 to 250.

By Mr. NEW:

Q. Did you know any of those employés personally?—A. Well, I expect I did, but I really have forgotten their names.

Q. Do you know whether any of them could not read or write?—A. No, sir; I do not.

By Mr. CONGER:

Q. As far as you know, there was nothing suspicious or fraudulent in the transactions you refer to?—A. It seems very strange to me that every man in the custom-house should take that paper; it always did seem strange, and always will.

Q. You did not give them credit for such an amount of intelligence which the fact of every employé taking a paper indicated?—A. It looked very strange to me in that respect.

By the CHAIRMAN:

Q. What was the name of that paper?—A. The National Republican.

Q. Was it a very interesting paper?—A. A very interesting paper.

By Mr. WOODBURN:

Q. How much of a circulation did it have among the democrats of New Orleans?—A. I don't think there were five in New Orleans who took it.

Q. If it had not been taken by the republicans it could not have existed, could it?—A. I think not.

By Mr. DARRALL:

Q. What were Mr. Reagan's duties at the newspaper office?—A. Mr. Reagan came there frequently to see Mr. Carter; he never received any compensation from the office, or from the custom-house either, to my knowledge.

Q. Do you know what business he was engaged in at that time?—A. He frequently wrote little squibs for the paper.

Q. What was his employment officially?—A. He was one of the stenographers of the courts.

Q. Is that his regular employment?—A. Yes, sir.

By Mr. NEW :

Q. Did you have a sufficient acquaintance with the financial condition of the office and its business to know or be willing to venture an opinion now as to whether that paper could have been sustained from other sources of revenue that it had at that time, without this aid that was received, as you say, from persons employed in the custom-house ?—A. It could not have existed.

By the CHAIRMAN :

Q. Did it have any official patronage from the Government ?—A. Yes, sir.

Q. Which government—State or Federal ?—A. Well, we could print all notices of seizures at the custom-house.

Q. Do you know how long this paper continued to be published ?—A. I think it expired in December, 1872, if I mistake not.

Q. Was it a campaign paper ?—A. It was.

Q. You do not know from any of your acquaintances who were on the paper, whose money was taken to carry on this paper, whether they objected to its being so taken ?—A. No, sir ; couldn't make any statement in regard to that.

By Mr. DARRALL :

Q. Have you ever been connected with any other paper here ?—A. No, sir ; I never have

NEW ORLEANS, *June 12, 1876.*

WALTER REAGAN sworn.

The WITNESS. I desire, Mr. Chairman, simply to state my connection with the National Republican, its extent and nature. On the 5th of January, 1872, I arrived in New Orleans from Texas, where I had been out on the frontier for the New York Herald. On the street I met Mr. Joseph H. Wilson, then president of the National Republican Company, and Mr. George Wood the manager of the paper. The town was at the time in a great state of excitement, particularly on account of the trouble that existed between Carter and Warmoth. Just then, being eager to learn all the news, I walked with Mr. Wilson and Mr. Wood to the National Republican office, where I found a great crowd of people, and among them quite a number of gentlemen well known in the democratic party—some talking and others busy writing. Mr. Wilson considered me rather a pyrotechnical sort of a fellow, and wanting that sort of articles for the paper, invited me to sit down and fire a shot or two at Warmoth, as he knew that I did not love him very well. I did so.

Mr. CONGER objected to the statement of the witness as not being pertinent to the subject of investigation.

The WITNESS. Then, I will say that I have never received a dollar of money from the United States in my life, directly or indirectly. My services to the National Republican were purely gratuitous, and they ceased when Mr. George W. Carter's connection with the paper was severed.

NEW ORLEANS, *June 12, 1876.*

GEORGE J. DUNCAN sworn and examined.

By the CHAIRMAN :

Question. What is your occupation ?—Answer. Newspaper reporter.

Q. Were you connected with the National Republican newspaper ?—A. I was, in the capacity of marine reporter.

Q. Where were you in the habit of receiving pay for services on the paper ?—A. In the custom-house from Mr. Joseph L. Herwig ; after the third week I received my pay for two weeks at the office. The third week they deducted \$10 for campaign purposes, I was told by Mr. Wood but I declined to accept the remainder of the salary, and after that week I received my money from Mr. Joseph L. Herwig in the custom-house.

Q. You then got all that they agreed to pay you ?—A. Yes, sir.

Q. Do you know whether or not any other parties who were in the employ of that paper had the remuneration for their services reduced for campaign purposes against their will ?—A. I only know it from hearsay ; I don't know it positively.

Q. Have you any knowledge or information that the employés of the Government in the custom-house were compelled to be subscribers to the National Republican ?—A. Yes ; they were compelled to subscribe not only to the paper, but to the stock.

Q. Will you be kind enough to state to this committee what you know about this, and the source of your information ?—A. The source of my information is from what was said generally around the office, and from what I know from parties in the custom-house. I was offered by one of them four shares of stock if I would pay up the balance due on them, be-

cause he told that me he could not afford to pay his pro rata that he was taxed. I use that word "taxed," as I suppose it must have been forced upon them. I know the party in question is poor and could not afford to have taken stock in a newspaper.

Q. Did they give you to understand that they feared they would lose their places if they did not subscribe?—A. It was almost a sure thing that they would. There was not a man in the custom-house, that was employed there in 1872, but would say that he was compelled to take stock in that paper.

Q. You stated that some of them told you?—A. Mr. Newman, the editor of the paper, told me he was on the pay-rolls of the custom-house, and one gentlemen, whose name I could not get permission to mention, was the one that offered me the stock. He told me that he had to take it. I asked him at the time why he subscribed, and he said he was compelled to do it.

Q. Was he an employé of the custom-house?—A. Yes, sir.

Q. The editor of the paper told you his name was on the pay-rolls of the custom-house?—A. Yes, sir; that is the only one I know of positively. The balance around the office used to talk about how much money they were making; that they were getting pay for their work on the paper and were on the pay-rolls as inspectors; but I never attached any weight to that.

Q. You were one of the writers on the paper?—A. I was one of the reporters.

Q. Do you know whether or not it received a large part of its support from the officials and employés of the custom-house?—A. I know that \$200 or \$250 a week would cover the receipts, and, from my knowledge of the business, I do not think it could have been run for less than \$1,000 or \$1,200.

Q. What do you mean by "receipts?"—A. From sales of papers and advertisements.

Q. Among those receipts would be the amounts paid by the employés of the custom-house?—A. I am speaking of receipts across the counter and collected by the collectors.

Q. You mean the receipts outside of the custom-house?—A. They must have raised money outside. I don't think they ever raised \$200 a week, including that collected by the collectors.

Q. You mean outside the custom-house?—A. Outside the custom-house. The actual legitimate business of the paper is what I mean. It did not pay over \$200 a week at the outside.

By Mr. WOODBURN:

Q. How long were you connected with the paper?—A. I started in May and quit November 29, 1872.

Q. Was that an incorporated company under the laws of Louisiana?—A. It was presumed to be.

Q. Do you not know whether it was or not?—A. No, sir; I do not.

Q. There was stock issued?—A. Yes, sir.

Q. Consequently, it must have been incorporated?—A. It must have been, but I never saw the act of incorporation or any publication of it.

Q. Did you ever see a certificate of stock?—A. No, sir.

Q. Do you know how many shares of stock there were in that company?—A. No, sir.

Q. Who paid you your salary?—A. Mr. Joseph L. Herwig.

Q. Was he an officer of the corporation?—A. Not that I am aware of; he was an officer of the Government.

Q. Do you know who was the treasurer of the corporation?—A. No, sir. I don't even know who the president of it was.

Q. Did you ever make any inquiry as to who the treasurer was?—A. No, sir.

Q. Did you ever hear any one state that Herwig was the president of the company?—A. No, sir; I thought Mr. Wood was secretary and treasurer; that was my understanding.

Q. How many men in the custom-house ever told you that they were compelled to take stock in the corporation?—A. Three.

Q. Did they give the name of the person who compelled them to take stock?—A. No, sir.

Q. Did you ever ask them?—A. I never did, because it was implied at the time who the person was.

Q. Did Mr. Newman, the editor of the paper, ever tell you what he was drawing pay for at the custom-house?—A. He told me he was on the post-rolls.

Q. Did he tell you how much he received?—A. I never asked him how much he received. He told me that he was on the post-rolls one night in the Saint Charles Hotel.

Q. Do you know what salary he was receiving as editor?—A. Fifty dollars a week, he told me; I don't know. I never saw him paid.

Q. Did you have access to the books of that company?—A. I have looked over them.

Q. Did you ever ascertain whether the books show that there was any assessment levied upon the stock of the corporation?—A. No, sir.

Q. Do you know whether or not there ever was an assessment levied?—A. I do not.

Q. You say the paper was not making sufficient to run it and be profitable?—A. I know it was not.

Q. How do you know that, if you never had access to the books of the company?—A.

Because I know enough of journalism to know that I can approximate right here to the figures.

Q. Did you know the number of subscribers to the paper?—A. Not exactly. I know the number of papers that were printed.

Q. Do you know how much was received weekly or monthly for advertisements?—A. No, sir; but I say \$200 a week would cover it.

Q. Why do you so state?—A. I state it from my experience.

Q. From your general knowledge of journalism?—A. From my general knowledge of journalism. I have been at the business from the time I was twelve years of age, and I am thirty-four now.

Q. Do you know the charges made for advertising by that paper?—A. Yes, sir; they were less than the other papers; a dollar a square for the first insertion and fifty cents for each subsequent insertion.

Q. Where did the balance of the money to run the paper with come from?—A. I could not say.

Q. When the paper stopped publication was the association in debt?—A. I could not tell you; I had no access to the books.

Q. You do not know anything about the affairs of the institution at all?—A. I know that much.

Q. You do not know anything about them of your own personal knowledge?—A. I was in the institution from its start.

Q. Do you know whether the corporation was dissolved?—A. I do not. It may still be in existence, if there was a corporation. I do not even know that there was one.

Q. Please state the names of those three gentlemen in the custom-house who told you that they were compelled to take stock in the paper.—A. I decline to do so.

Q. What is the basis of your objection to telling?—A. It might jeopardize their positions.

Q. Are they still employed in the custom-house?—A. Yes, sir.

Q. Do you object to giving any one of the names?—A. Yes, sir; I do. I will give their names to the committee if they will permit me to do so, after consultation with them.

Q. Why do you desire to consult them?—A. To know whether I can give their names.

(The committee decided that the witness should give the names asked for.)

The WITNESS. One of the parties that told me is Ignatius G. Fenwick. Mr. Fenwick offered me his stock, and told me he could not afford to pay for it. The other one is Mr. Strong; I could not tell you his first name.

Q. What position does he occupy?—A. He is entry-clerk. He enters and clears vessels in the collector's office.

Q. What is the name of the third?—A. I don't recollect his name. I ride down in the cars with him every day.

Q. Is he still in the employ of the custom-house?—A. No, sir.

Q. Where is he now?—A. I think he is in one of the bonded warehouses.

Q. In which one?—A. I could not tell you. I come down every morning with him on the Magazine-street cars. I can ascertain his name and give it to you.

Q. Do you know where he resides?—A. No, sir.

Q. Did Mr. Fenwick tell you how many shares of stock he was compelled to take?—A. He did not tell me he was compelled to take any amount of stock.

Q. What did he say to you?—A. Just what I told the chairman of the committee. He told me that it was an understood thing that they had to take it, and he offered to sell me four shares.

Q. Was that all he said to you; that it was an understood thing?—A. Yes, sir; that is all.

Q. Did he tell you who compelled them to take stock?—A. No, sir.

Q. He did not name any official?—A. He did not name any official.

Q. What did Mr. Strong say to you?—A. He told me that he had stock that he would like to get rid of.

Q. Did he tell you how many shares he had?—A. No, sir; I did not ask him.

Q. Did he tell you the circumstances under which he bought the stock?—A. I asked him one day why he took the stock, and he said because he couldn't help it.

Q. Did you ask him how much he paid for it?—A. No, sir.

Q. Did any one of the three tell you what he paid for his stock?—A. No, sir; I never asked the question. I know that nobody would have given two cents on the dollar for it.

Q. Did Strong tell you the number of shares he had?—A. No, sir; I didn't ask him.

Q. Did you ever have a conversation with Strong & Fenwick, after the paper had suspended, in reference to what became of their stock?—A. No, sir; I didn't think it was worth while to talk about it.

Q. What were your politics at the time you were a marine reporter?—A. I was a member of the Tenth Ward Democratic Club.

Q. Did the directors of the association know your politics?—A. I presume they did, because I refused to contribute to the paper.

Q. Were you ever asked to contribute to the stock of the paper?—A. I have sworn that I was asked to contribute out of my salary.

Q. You refused?—A. I declined to do it.

Q. Were you discharged on that account?—A. No, sir.

Q. You retained your position until the paper ceased to be published?—A. Yes, sir; they could not get anybody else to fill the position.

By the CHAIRMAN:

Q. Did you report for any other paper?—A. Yes, sir; the Commercial Bulletin and the Price-Current.

Q. Do you know whether they attempted to get anybody else to take your place as marine reporter?—A. I never heard of it if they did. It was offered to parties before it was offered to me. They declined to accept service on the paper, and I took it by advice of my political friends.

NEW ORLEANS, *June 12, 1876.*

JOSEPH DAUPHIN sworn and examined.

By the CHAIRMAN:

Question. What is your occupation?—Answer. I am a slater by trade.

Q. Were you ever employed in the custom-house?—A. Yes, sir; I got in the custom-house in December, 1869, and was discharged in September, 1873.

Q. Did you ever subscribe for any stock in the National Republican newspaper?—A. Yes, sir; I did. [The witness produced a certificate of one share of capital stock in the National Republican and Citizens' Guard, dated October 2, 1871, and signed by J. H. Wilson, president, and J. L. Herwig, secretary. Shares, \$25 each.]

Q. Were you employed in the custom-house at the time you purchased this stock?—A. Yes, sir; I was night-officer at that time.

Q. Had you ever read the newspaper before you purchased this stock?—A. Maybe I did.

Q. How came you to purchase this stock?—A. Because they sent me a letter to that effect; and in that letter they asked me if I would be willing to take a share in that paper.

Q. Have you that letter?—A. I suppose I have it at my room.

[Witness was instructed to produce the letter.]

Q. What did that letter say?—A. It asked me if I would subscribe for the paper.

Q. From whom was that letter?—A. If I mistake not, I think the letter was from Mr. Herwig.

Q. Who was he?—A. He was at that time connected with that paper, I suppose.

Q. Was he an officer of the custom-house?—A. Yes, sir; he was chief of the warehouse at that time when I paid for that stock. They gave me two months to pay it. I gave \$12.50 for each month, and in two months I paid for the stock, and I paid it inside the custom-house.

Q. Is that the only paper you were a subscriber to at that time?—A. No, sir; I believe I paid for the other paper. If I don't mistake, I was discharged in September, 1873.

Q. Why did you subscribe for this paper?—A. Because they asked us to subscribe.

Q. Were you afraid they would turn you out if you did not?—When I read the letter my impression was that if I did not subscribe to the paper I was going to be discharged; and every man used to talk about it and tell me so.

Q. Why did you have that impression?—A. I suppose I had the impression that I would be discharged.

Q. What circumstances or facts gave you that impression?—A. I was afraid to be discharged, and so I took a share.

Q. Suppose you had declined to take a share; did you have any reason to believe that you would be dismissed from your office?

Mr. CONGER objected to the question.

A. I was afraid I would be discharged. It was too much for a working-man who had a family to have to pay \$25 for a paper when he is a poor man.

Q. Did you subscribe for the paper too?—A. Yes, sir; I have some receipts at home.

Q. How often was the paper published?—A. I don't recollect how many days in a week.

Q. Did you often read it?—A. O, yes; they used to send it to me.

Q. You read it every time you got it?—A. Yes, sir; each time I got it I read it.

Q. Did you have any other means of support, aside from your salary; were you a poor man?—A. Yes, sir; I had nothing except my salary. A night-officer used to get \$3.

Q. That was your sole means of support?—A. Yes, sir.

Q. Have you a family?—A. Yes, sir.

By Mr. CONGER:

Q. Did anybody tell you that you would be discharged if you did not subscribe?—A. No, sir; nobody told me.

Q. Did the letter say that you would be discharged if you did not subscribe?—A. No,

sir; the letter didn't say anything about the discharge. The letter was very polite, asking me to subscribe for the paper.

Q. How much salary were you getting in the custom-house?—A. \$90 or \$93 a month; \$3 a night.

Q. Did you know anybody to be discharged because he did not take stock in that paper?—A. I know some didn't take no share in that paper.

Q. Were they discharged?—A. They told me they didn't take any share, but I can't prove it. They were working in the custom-house.

Q. Were they working in the custom-house when they told you this?—A. Yes, sir. Sometimes there were men working in the building that didn't subscribe.

Q. And those were working there who did not take stock?—A. That is what they told me; I don't know. At that time I recollect every night-officer used to take a share. The night-officer, and river-officer, and every one used to subscribe for that paper.

By Mr. WOODBURN:

Q. I will ask you if the gentleman who sent you that letter was not the same whose name is signed to that certificate of stock—Mr. J. L. Herwig?—A. He is the same man to whom I paid \$12.50 each month.

Q. Is he the man who wrote you, asking you to take a share of stock?—A. The letter is at home.

Q. Is he the same man?—A. My impression is that it was Mr. Herwig.

Q. Did you ever talk to Mr. Herwig about buying this share of stock?—A. Yes, sir; I talked to him this morning.

Q. Did you talk to him about the time that you received the letter?—A. No, sir; but I saw him this morning, about that share. I met him on Common street.

Q. Did you tell Mr. Herwig, or anybody else in the custom-house, that you did not want that share of stock in this paper for \$25?—A. If I was not in the building I couldn't get the share.

Q. Did you ever tell Mr. Herwig that you were a poor man with a family, and that you could not afford to take \$25 out of your pay for that stock?—A. No, sir; I never did.

Q. How many men do you know of in that custom-house who did not own stock in that paper?—A. There are some men who have been before this committee that I know got the same share with me.

By the CHAIRMAN:

Q. Why did you not tell Mr. Herwig that you were a poor man, and did not want to take the stock?—A. I didn't say anything to him at that time.

Q. If you were a poor man and did not have the money to spare, why did you not tell Mr. Herwig?—A. I didn't tell him anything; I subscribed, I tell you.

Q. You did not want to subscribe, did you?—A. I say I subscribed.

Q. Why did you not tell him you did not want to subscribe, if you did not want to?—A. I didn't tell him anything.

Q. Why did you not?—A. Because I didn't tell him anything. When I received the letter, like I told you, it was paid in two months.

Q. You said if you had not been in the custom-house you would not have subscribed?—A. If an officer comes here he will tell you the same; I was under the impression I would be discharged, and I worked four years and nine months, and I always did my duty and was never reported.

By Mr. REILLY:

Q. Was it the same Mr. Herwig whom you paid for the stock that you talked with this morning?—A. Yes, sir.

Q. Did he know that you were subpoenaed before this committee?—A. No, sir; he did not. I went this morning to see him, and asked him if he wanted to buy my stock. He looked at me and said, "That is not worth anything." He told me that twice.

Q. He did not say anything about your testifying here?—A. No, sir; I didn't tell him I was going to come here: I just asked him if he didn't want to buy my stock.

NEW ORLEANS, June 12, 1876.

WILLIAM HENRY (colored) sworn and examined.

By Mr. REILLY:

Question. You are a drayman, are you?—Answer. Yes, sir.

Q. Will you state whether you rented a factory, or cooper-shop, in the outer part of this city, at any time?—A. Yes, sir; I rented it for a man.

Q. For whom did you rent it?—A. For a gentleman calling himself Mr. Cassidy.

Q. From Mr. Bailey, who owned it?—A. Yes, sir.

Q. Who was Mr. Cassidy?—A. I couldn't tell you any more than just his name.

Q. How did you learn his name?—A. He told me his name.

Q. When did he tell you his name?—A. When I rented it for him. He came there one Sunday evening looking around, like you would or any other gentleman walking around in the cool of the evening, and said that it was very warm, and so on; and said, "Who owns that place there?" I told him. He said he would like to rent it if he could. Well, I told him I expected he could; I didn't know. In a little he said, well, where could he see the owner. I told him where he could see him. Then he asked me if I could rent it for him. I told him it was something I didn't care about doing, because I could carry him to the gentleman. "O, well," he said, "you can do it just as well as me; I only want to put some empty hogsheads and boxes in there." It was an old shed of a place, anyhow. Well, finally, I says, "I can see him; where will I see you." "Well, I will see you again." "Where is your house at?" He said he hadn't any just now, but he was just going into business, or something of that kind, as far as I recollect now. I saw Mr. Bailey and asked him about it. He said yes; he would rent it for \$6 a month. All well enough. I saw the man again, I don't know exactly how long after that, and he asked me about it. I said, "Yes; he says he will rent it if you want it." "How much?" "Six dollars." He says, "Here's the money." I says, "No; I am on Canal street; you come and go with me." He says, "No; you can do it; what's the use of me going?" I took him to be a gentleman, and I thought, what if I am deceived in him? I rented it up till the last of the month. At the winding up, on the last day of the month, I had to pay Mr. Bailey myself, and then got put out of doors myself because I hadn't money enough to pay the rent on my own shanty that I was sleeping under. I have not seen the man since.

Q. How often did he give you money to pay the rent?—A. I couldn't tell you.

Q. More than once?—A. O, yes, sir; some three or four or five different times; I couldn't tell you exactly.

Q. You gave the money to Mr. Bailey?—A. Yes, sir.

Q. Did you take receipts?—A. Yes, sir.

Q. In whose names were the receipts?—A. He made a mistake, and made the receipts out for Mr. Kastendeik.

Q. He gave the receipt to you?—A. Yes, sir.

Q. What did you do with it?—A. Kept the receipts in my pocket until I threw them away. I don't know; may be I can find one or two of them at home now.

Q. You never gave them to Mr. Cassidy?—A. No, sir. Whenever I would meet him I wouldn't have them with me.

Q. When was this?—A. I couldn't tell you. It must have been somewhere nearly two years ago.

Q. Do you remember whether it was spring, summer, or fall that you were paying this rent?—A. I couldn't tell. I have forgot all about it.

Q. How many times altogether did you see Mr. Cassidy?—A. I couldn't even tell you that now.

Q. Did you see him at any other times except when he gave you the money?—A. I saw him one time when I hauled a load for him.

Q. Where would you meet him?—A. Generally on the street.

Q. What street?—A. Canal street.

Q. Every time?—A. Pretty much.

Q. In the same place?—A. In different places. I couldn't say exactly now which places. Then, I believe, some two or three times he would pass the corner where I was working and hand me the money and go off.

Q. On what corner did you stand with your dray?—A. Generally on the corner of Tchapioulas and Gravier streets.

Q. Is that near Mr. Masich's store?—A. He is on Gravier street.

Q. How near to where your dray stood?—A. At one time he lived right across the street, up-stairs, not far off.

Q. At the time this man was paying you did he have a store right across the street?—A. I don't recollect.

Q. Did you do some hauling for Masich at that time?—A. No, sir. I believe, too, I did make two or three loads for him at that time. I will say two or three—I don't know. Sometimes he would call me and give me an order on the custom-house.

Q. Did you not do all his hauling?—A. O, no, sir. Sometimes he would call me and give me an order to go to the custom-house, and I would go there and get him two or three boxes.

Q. You have never seen Cassidy before or since that time?—A. No, sir; not since.

Q. You do not know whether he lived in this city, or anything at all about him?—A. No, sir.

Q. Did he have any business?—A. I don't know whether he had or not.

Q. You never saw him at any office, store, or house?—A. No, sir.

Q. You always met him on the street?—A. Generally on the street, excepting when he came to the corner.

Q. How often did he come to the corner?—A. I don't know. I suppose two or three times.

- Q. Would you expect to meet him on the street whenever you did meet him?—A. No, sir.
- Q. Would you know beforehand that you were going to meet him?—A. No, sir.
- Q. It was accidental. He would be walking along, any you would see him?—A. Yes, sir.
- Q. And he would stop and give you the money for the rent?—A. Yes, sir.
- Q. Has anybody ever talked to you about this matter?—A. Not a one.
- Q. Were you ever sworn about it before?—A. I was sworn about it in the custom-house.
- Q. Has anybody talked with you about it before?—A. No, sir.
- Q. Nobody has said anything to you about it?—A. Nobody has said anything about it.
- Q. And you never said anything except you swore to?—A. Never anything to anybody else. Of course I was expecting to meet with him again.
- Q. You have never seen him since?—A. No, sir.
- Q. And he stuck you for the last month's rent?—A. Yes, sir. It was a month and a half, because I didn't pay him for the whole half. I believe I gave him two dollars and six bits. The month was nearly out at that time. Then I couldn't pay till the month was half out again.
- Q. He never asked you for any of the receipts you took?—A. He asked me for them, but I didn't have them at the time.
- Q. You had left them at home?—A. Yes, sir. I wasn't thinking about meeting him.
- Q. You said you drew a load for Cassidy. Tell us about that.—A. I was coming down Bienville street, and met him, and he says, "Come back here. I want you to carry a box;" and he came with a box about so long and so high, [illustrating,] and put it on the dray. He said to go to the foot of Saint Louis street. By the time I got there he was there. He says, "Put it down;" and I put it down, and he handed me the money. I put it in my pocket and went off.
- Q. How much money did he give you?—A. Fifty cents.
- Q. Where did you get the box from?—A. He brought it from the door of the shop himself.
- Q. This old cooper-shop that you had paid the rent for?—A. Yes, sir.
- Q. Did you live near there?—A. About a square from there.
- Q. Where is the foot of Saint Louis street?—A. On the levee.
- Q. You took the box off there and gave it to him?—A. Yes, sir.
- Q. Was it a heavy box?—A. A light box.
- Q. What did he do with it?—A. I don't know. I left him standing there.
- Q. Right on the wharf?—A. Yes, sir.
- Q. You did not put it in any store?—A. No store.
- Q. In no office?—A. No office; it was right on the wharf.
- Q. He was there when you got there?—A. Yes, sir.
- Q. How long had he then been paying rent for this place?—A. That was soon after, I reckon; I don't know how long.
- Q. Did you ever take any goods to the cooper-shop?—A. Yes, sir; I believe I took ten hogsheads when he first opened. That is what he said he rented it for.
- Q. Where did you get the hogsheads?—A. Off the new basin.
- Q. Where is that?—A. Here; some part of it is in the city, I suppose.
- Q. Where did you get them?—A. On Magnolia street, on the wharf.
- Q. Who helped you to load them?—A. I loaded them myself; they were light.
- Q. How did you know which ten hogsheads to take?—A. He was there with me.

By Mr. WOODBURN:

- Q. Was there anything in them?—A. Yes, sir; they had something in them.

By Mr. REILLY:

- Q. You brought the whole ten and put them in the cooper-shop?—A. Yes, sir; in the old shed.
- Q. How long was that after you had first met this man and he spoke to you about renting?—A. It was directly after; about a week, I suppose.
- Q. Where were you when he hired you to go and haul these hogsheads?—A. He came right there on the corner and took me from there.
- Q. Did he go with you on the dray?—A. No, sir; he walked out and I drove out on the dray.
- Q. How many loads did it make?—A. I believe I made four loads.
- Q. Did you haul them all in one day?—A. O, yes, sir; I carried three at a load.
- Q. And you put them in this cooper-shop?—A. Yes, sir.
- Q. How much did he pay you for that?—A. I think six bits a load.
- Q. Whatever it was he paid you at the time?—A. Yes, sir.
- Q. Did nobody help you to load or unload it?—A. No, sir, no one; they were perfectly light hogsheads.
- Q. You carried them yourself?—A. Yes, sir.
- Q. Was the shop locked?—A. No, sir; it had no lock on.
- Q. Was it locked afterward?—A. It seems it was locked afterward.
- Q. After you put the ten hogsheads in?—A. Yes, sir.

By Mr. CONGER :

- Q. Is the new basin a place where vessels come?—A. Yes, sir.
- Q. And where schooners come?—A. Little schooners.
- Q. Where do they come from?—A. I don't know.
- Q. Does the water in the new basin come from the river or from the lake?—A. It must come from the lake. I have never been down to the lake.
- Q. It comes from Lake Pontchartrain?—A. Yes, sir.
- Q. It does not come from the river?—A. No, sir.
- Q. It was on a dock at the new basin that you say you found these hogsheads?—A. Yes, sir; on the levee.
- Q. Whose dock was it?—A. I don't know.
- Q. Were they taken out of any building?—A. No building at all; they were lying stored on the levee.
- Q. Did you ever carry any boxes from there?—A. No, sir.
- Q. Did you carry any boxes for this man from anywhere else?—A. I carried five boxes from the foot of Saint Joseph street, I believe.
- Q. Was that before you carried the hogsheads?—A. I think not.
- Q. How soon after?—A. I don't know exactly how soon; I forget.
- Q. Was it pretty soon afterward?—A. It might have been pretty soon; but I could not tell you now to save my life, because this thing has been so long ago that I forget how it was.
- Q. From whose place did you carry the boxes?—A. They were on the levee, too.
- Q. Who was there when you got the boxes?—A. He was there.
- Q. Anybody else?—A. Nobody else that I recollect in any way.
- Q. How large were the boxes?—A. They were tolerable sized; I couldn't tell you exactly how big.
- Q. Were they marked in any way?—A. I couldn't tell you. I saw some marks on them, but I didn't read the marks. I can't tell one letter, God knows, from the other.
- Q. Did anybody help you load or unload these boxes?—A. No, sir.
- Q. When you took the boxes up to this shed, was it locked?—A. It hadn't been locked yet.
- Q. Were the hogsheads in there when you put the boxes in?—A. Yes, sir.
- Q. Was there anything in the boxes?—A. There was something in them.
- Q. Were they heavy?—A. Tolerable good weight; pretty good weight to the box.
- Q. Were the boxes as large as dry-goods boxes?—A. Something like dry-goods boxes.
- Q. How long were they?—A. I couldn't describe them. I suppose they were three or four feet long.
- Q. How high?—A. About the same height.
- Q. They were pretty nearly square, then?—A. I would say so anyhow; I don't know.
- Q. What did he say was in the boxes?—A. They were not heavy when I took hold of the boxes, and I says, "What is in here?" just in a joke, that way. "O," he says, "we call it nest-boxes—for making other boxes." I have hauled some as large as that for myself.
- Q. The large boxes holding other boxes?—A. For making small-sized boxes. They generally ship them from up the country, sawed in short pieces, for making other small-sized boxes.
- Q. And you think they were full of these small pieces?—A. Yes, sir; that is the way he told me.
- Q. Would you think, from the weight, that they were full?—A. I don't know; I think it was near about the same weight.
- Q. Did anything in them rattle when you moved them?—A. No, sir; it just seemed to knock one side a little bit.
- Q. Do you think there was anything in the hogsheads, or were they empty?—A. There must have been something in them, but what I couldn't tell you.
- Q. Were they heavy?—A. Not heavy; very light.
- Q. Were they as heavy as they would have been if they had been filled with cigars?—A. I don't know, because I never felt the weight of cigars of that kind.
- Q. Did you draw any other boxes up there at any other time?—A. No other time.
- Q. How many boxes did you draw this time?—A. Five boxes.
- Q. All at one load?—A. No, sir; in two loads.
- Q. Did you make two loads of them because they were so heavy?—A. No, sir; I was for making as much off of them as I could. I was getting a pretty short price anyhow, and I was a poor man, and I have got to get my bread some way. I didn't want to haul them for nothing.
- Q. Is Saint Joseph street close by the basin?—A. Saint Joseph street runs from the basin to the river.
- Q. Did you find the boxes at the river or somewhere along the basin?—A. I found them at the river.
- Q. And you drew them up to the vinegar-shed?—A. Yes, sir.
- Q. Did you ever draw any boxes or hogsheads away from the vinegar-shed?—A. No,

sir. All I drew away from there was when the place was open there. They had the hogsheads in there, and I wanted to save something out of it, and so I asked a gentleman could I have the hogsheads; he told me yes, I could take them; so I hauled them out and made firewood of them.

Q. Were there any other hogsheads or boxes taken away by you than you had brought there?—A. No, sir; just the same number.

Q. And they were empty when you got them?—A. Yes, sir.

Q. Had they been opened?—A. O, yes.

Q. Were they open when you got them?—A. Yes, sir.

Q. Who had taken out their contents?—A. I don't know anything about that.

Q. Did you never see this man talking with anybody else around town?—A. No, sir; I don't recollect of it. I know I didn't, because if I had seen him I would have known him.

By Mr. REILLY:

Q. How far is Saint Joseph street where you took the boxes from, from new basin, where you took the hogsheads from?—A. Saint Joseph street runs out at the head of the basin.

Q. Is the foot of Saint Joseph street at the river?—A. Yes, sir.

Q. Where did you take the boxes from?—A. From the river.

Q. And you took the hogsheads from the new basin?—A. Yes, sir.

Q. They are in different parts of the city?—A. Yes, sir.

Q. From where did you take the little boxes that you spoke of that you hauled to Saint Louis street?—A. From the old shop to the foot of Saint Louis street.

Q. Was that to the river, or to the new basin?—A. That must be to the river.

Q. Don't you know?—A. I took it to be the river.

Q. You are pretty well acquainted here, are you not?—A. Tolerably well.

Q. How were those boxes marked?—A. I couldn't tell you, because I can't read. I don't know the first letter.

Q. There were some marks on them?—A. There were some marks on them, if I recollect.

Q. Were there any stamps of any kind?—A. I don't recollect whether there was or not.

Q. I wish you would try to recollect.—A. I don't recollect whether there was any or not.

Q. You cannot say that there were any stamps of any kind on any of the boxes?—A. No, sir.

Q. Were there on the little boxes you took away?—A. I couldn't say that, either.

Q. Was there any writing on them?—A. I don't know.

Q. Was there on the five big boxes that you took up?—A. Yes, sir.

Q. But you do not know what it was?—A. There was some kind of printing on them, but I don't know what it was.

Q. You got all your instructions about these things from this same man?—A. Yes, sir.

Q. He would always meet you on the street some place?—A. Yes, sir.

Q. And tell you what to do about these things?—A. Yes, sir; he would meet me and tell me to come along. I took him to be a gentleman. I didn't know anything more about it than if one of you gentlemen was to say, "Here, old man, come with me and make a load." I would follow you along.

By Mr. WOODBURN:

Q. How did you know what was in those receipts, if you cannot read?—A. Mr. Bailey gave them to me for the rent; I had paid him the money. But what the receipt was I couldn't tell you. I can't read, and I didn't think about giving it to anybody else to read, or study anything about it at all.

By the CHAIRMAN:

Q. Where did you take these boxes and hogsheads?—A. To my house and burned them up.

Q. I thought you hauled them out to the vinegar-shed?—A. After the place was open, I got the privilege from the custom-house of taking the empty hogsheads myself, from the shed.

Q. Did you have help to empty them?—A. No, sir; I don't know anything about that. I don't know when they were emptied, who emptied them, or anything about it.

Q. How large was this shed?—A. It was somewhere near as large as this room.

Q. Could they lock it up so nobody could get in?—A. He had a lock put on it.

Q. Did you ever hear that this man that you had been doing business with got into trouble?—A. No, sir; but if any one had known that anything like that was in the old place, you could just pull the boards off like that [illustrating] with your fingers anywhere.

By Mr. REILLY:

Q. Do you know the time that some goods that were in there were seized?—A. I was in town when that occurred.

Q. Were those hogsheads in there at that time?—A. Yes, sir.

- Q. Do you know what was seized there?—A. I don't know; I was told.
 Q. You did not see the goods seized?—A. No, sir.
 Q. You did not see three large cases in there?—A. No, sir.
 Q. You had nothing to do with that?—A. No, sir.
 Q. You did not haul them there?—A. No, sir.
 Q. Nor did you see them go in there?—A. No, sir.
 Q. You do not know how they got there?—A. I don't know how they got there.

By the CHAIRMAN:

Q. Who gave you the permit to take those empty hogsheads and boxes that you took home?—A. A gentleman in the custom-house told me all the old empty hogsheads I could keep.

Q. You got permission from the custom-house?—A. Yes, sir; he said they were of no service, and I was welcome to them.

By Mr. CONGER:

Q. When the custom-house folks seized the goods, were you sworn?—A. Yes, sir; I went up in the custom-house

Q. Did you tell all you knew about it then?—A. Yes, sir; I was up there twice or three times, I don't know which.

Q. You told them all you have told this committee to-day?—A. Yes, sir.

By Mr. WOODBURN:

Q. Was it after the seizure you were told to take these empty boxes away?—A. Yes, sir.

NEW ORLEANS, *June 12, 1876.*

CARROLL W. JOHNSTON sworn and examined.

By Mr. REILLY:

Question. Are you a resident of this city?—Answer. I am.

Q. How long have you lived here?—A. Since 1855. I was originally from Kentucky.

Q. Have you been employed in the custom-house in this place?—A. No, sir.

Q. Have you ever received any money from there?—A. I have, sir, in an outside way.

Q. Just state the manner in which you received it, and what knowledge you have upon that subject.—A. It was the election of 1872, I think; I had \$150 handed to me.

Q. By whom?—A. It was handed to me by Mr. Flatow.

Q. What is his full name?—A. I don't know what his full name is. Mr. Smith, I believe, knows it.

Q. When was that?—A. It was in the fall of 1872.

Q. Can you remember the month?—A. I think it was in the latter part of September or the first of October; I forget now which it was.

Q. Why was it paid to you?—A. To help get the campaign through; it was for a primary election.

Q. Who was Mr. Flatow?—A. He was an employé of the custom-house.

Q. What position did he hold?—A. I think he was in the appraiser's department, from what I could understand.

Q. Did you give a receipt or sign any document?—A. No, sir.

Q. Did he say where the money came from?—A. No, sir; I did not ask him.

Q. Do you know anything about what is called the post-roll?—A. I do.

Q. And about parties receiving money from the custom-house without rendering any service?—A. Yes, sir.

Q. Tell what you know.—A. I know seven or eight gentlemen who drew money out of that post-roll in 1872. I was clerk of the steamboat Erie, No. 1. My boat was laid up. Mr. Fred. L. King came down to the river on the levee and asked me if I would like to join the post-roll of the custom-house. I asked him what the post-roll was. He told me it was a dead-head roll; we had nothing to do. If I would go up there and take the iron-clad oath, I could draw my \$125 a month and have no work to do. I said, "What is that iron-clad oath?" He said, "Come up there and see what it is." I went up there and asked about it, and they said, "It is a pledge that you have to support each and every man in this custom-house; I believe Mr. Herwig's party. I refused it flat-footed, and walked out of the custom-house."

Q. Who was Fred. L. King?—A. He was an employé of the custom-house, and was on the post-roll himself, and was soliciting men for them.

Q. What position did he hold?—A. I suppose he was a wire-puller for them. My instructions also were that if I signed this post-roll, my deduction was \$5 a month each month for campaign purposes.

Q. You did sign the roll?—A. No, sir; I did not.

Q. Your name was not placed on the roll?—A. No, sir.

Q. Do you know of any other parties who were on that post-roll, or did you ever hear any other parties say that they were on that post-roll?—A. Yes, sir; I saw these names myself—Fred. L. King, Thomas Boswell, Samuel Bassell, John Keiser, Gaudet—I do not know what his first name is, there are two of them—one of them was in the police board and the other lives in the Tenth ward and is a young man there; he is a yellow boy; William Blake and M. J. Connors.

Q. Are those all the names you know of?—A. Yes, sir; there are witnesses I would like to have subpoenaed here in regard to them.

By Mr. CONGER:

Q. What do you want them subpoenaed for?—A. To find if they were on the post-roll or not.

Q. What interest have you in it?—A. I have this much interest; I want to fight the custom-house, and I want to see where they are doing wrong.

Q. You want to fight somebody?—A. Yes, sir.

Q. You want especially to fight the custom-house?—A. I want to show where the custom-house have been doing wrong.

Q. Then this is your fight?—A. No, sir; this is not my fight; I am subpoenaed here to testify what I know.

Q. Why did you say that you wanted these witnesses subpoenaed?—A. I simply wanted witnesses subpoenaed to show that party up.

Q. What party do you mean?—A. The republican party—Mr. Casey and Mr. Herwig, and that class of men.

Q. You want to show up the republican party?—A. No, sir; not the republican party, but Mr. Casey and Mr. Herwig, and the class of men that has had that class of men under them.

Q. What did you say the "republican party" for, then?—A. Mr. Casey and Mr. Herwig, I suppose, are the republican party; that is what they have been representing since the war; that is the best I can tell you.

Q. Were you afraid the committee would not get the proper witnesses?—A. No, sir; but I found out that the committee has not got these men down, and I want to get these men before the committee.

Q. You have a great desire to show up the republican party?—A. Yes, sir; I have a great desire. I want to show these men up.

By Mr. REILLY:

Q. How much money do you know or did you hear these men say they received?—A. They received for campaign purposes \$100 a month.

Q. For how many months?—A. Until the campaign closed.

Q. About how many months did that occupy?—A. The campaign generally opens about July and closes with the fall election, which is, I believe, about the 2d of November.

Q. Did you at any time see these men draw their money, or do you only know it from what you heard them say?—A. I have seen two of them draw their money.

Q. Which two?—A. I have seen Mr. Boswell draw his money, and I have seen Mr. King draw his money.

Q. Where?—A. At the custom-house.

Q. How did you come to be present?—A. I will have to implicate some of our own men; I refuse to answer that.

Q. How did you come to be present when these men were paid?—A. I decline to answer that.

Q. For what reason?—A. Because I was sent there by other parties.

Q. That is not a good excuse in law. Tell us whom you were sent there by, how you came to get there, and how you happened to be present when these men were paid?—A. I refuse to do that; I cannot answer that question.

Q. Were you with them more than once?—A. Yes, sir.

Q. How many times was it you were present and saw these men get their money?—A. I was there five times.

Q. How much did they get each time?—A. One man got \$120; another man got \$60.

Q. Give us the names of the men as you go on.—A. Henry Reeder got \$120.

Q. He was one of the men that you know were on the post-roll?—A. No, sir; I want to give you them afterward. He was working on two jobs, one under the custom-house, and one outside.

Q. Tell us about these men on the post-roll first.—A. Mr. King got \$120 at one time.

Q. That you saw?—A. Yes, sir.

Q. Who paid it to him?—A. He went in to Mr. Casey's brother-in-law.

Q. What room was it in?—A. They walked into the room and then went to the left; he got his voucher and gave it to the cashier; he gave him the check, and the cashier gave him

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he money for it; there was a man at the desk, and he took out the amount of his assessment for each month; took it right off the desk. He took it and handed it to this other man, and he took out the assessment.

Q. What was the assessment?—A. Five dollars a month for men with less than \$100 a month, and for men with \$150 a month, \$12.50 a month.

Q. Who was the man that took this assessment?—A. I do not know who he was; it must be some employé of the custom-house.

Q. Do you know that these men, at the time they received this money, were not rendering any service to the Government?—A. I do know that.

Q. They were engaged in other business?—A. No, sir; they were not engaged in other business.

Q. I mean the names that you have given us as being on the post-roll?—A. No, sir; Mr. Keiser was engaged in the lottery business, working for Charles Howard, keeping a lottery office on the corner of First and Chippewa.

Q. How was it with the others?—A. Mr. Blake was not in any business, nor were any of them, except Mr. Keiser.

Q. Were any of them rendering any service to the Government, or to the custom-house, at the time they received the money?—A. No, they were not.

Q. None of the names you have mentioned?—A. No, sir.

Q. How did you come to be present when these men were paid; did you go with them to the custom-house?—A. No, sir.

Q. Were you there when they came?—A. I was sent there.

Q. You happened to be in the same room?—A. I happened to be right where they were paid off, and right where they have to pass right through to get their vouchers; they passed right by one door and came out of the same door, like as though you came in at this door, [pointing to the door of the room,] and came out of the same door to get your pay.

Q. Did you go there for the purpose of seeing who was receiving money?—A. Yes, sir.

Q. That was your object?—A. Yes, sir.

Q. Did these men know you were going there?—A. They did not know it, or I could not have found out what I did.

Q. I think you ought to answer the question, how it was you went there, and what induced you to go there.—A. I would like to be excused from answering that; I was sent there by a society that we have in the fourth district to watch these things. There were other societies in the city.

Q. Then your object in going there was to ascertain how it was, and to get information about it?—A. I was a committee of one that was sent down there.

Q. To ascertain who was receiving this money?—A. Yes, sir.

Q. And get all the information about it that you could?—A. Yes, sir. This thing had been going on since 1868. We found out in 1868 about the way this thing had been working.

Q. What society was it that sent you?—A. In 1872, it was the McEnery party; we were working for them.

Q. A political society?—A. Yes, sir.

Q. It was in your district—the 4th district of this city?—A. Yes, sir.

Q. And you were sent by this political association to get information as to what the other side were doing?—A. Yes, sir; and we wanted to see where this money was used. We found there was so much money used in this town, and we could not find out where it came from, but we understood it came from the custom-house, and that all this money was taken from the employés of the custom-house. We sent spies to find out where it was taken from, and they asked me to walk around and see about it, and so I went there.

Q. And you got the information you have told us?—A. Yes, sir; I have it in my books at home.

Q. Do you know of any persons, other than those you have mentioned, who were receiving money at the custom-house, and doing no service for the Government?—A. I know men that are receiving money from the custom-house and do not work there.

Q. Tell us who they are.—A. In the first place there is Mr. Henry Reeder. He is the door-keeper for Mr. Casey.

Q. Door-keeper at the custom-house?—A. Yes, sir; at Collector Casey's office.

Q. Why do you say he does no service?—A. I know it simply from his own mouth.

Q. My question was if you knew of persons who were receiving pay from, but who rendered no service to, the Government?—A. Yes, sir; there is Mr. Herwig's servant, Joe—I don't know what his last name is; he is the yellow boy who works in Mr. Herwig's house. I often see him washing the banquette—the sidewalk—and he assured me himself that he went to the custom-house and drew his money. He gets \$60 a month in the custom-house, but he works in Mr. Herwig's house. He told me that the cook got \$30 a month from the custom-house. I saw this man, Joe, draw his money, \$60 a month, at the custom-house, but he don't work there. He goes down to the weigher's department, Eichols's department; he comes there in the morning and stays there 15 or 20 minutes, and then he goes up to Mr. Herwig's house; he stays there and drives Mr. Herwig out during the evening. But he

draws his pay out of the custom-house. I saw him doing it, and I also got that information from Mr. Henry Reeder.

Q. Who is Mr. Henry Reeder?—A. He is Mr. Casey's man—a kind of a footman around there, and then he attends to the door down at the custom-house; he is a lackey-boy at Mr. Casey's house.

Q. Have you any knowledge whether any of the persons you have named render any service at all to the Government in a public position?—A. This fellow Joe does not.

Q. How about Reeder?—A. Henry Reeder goes down there and stays there about two hours a day; sometimes he don't go at all.

Q. What is he engaged at the balance of the time?—A. He stays up there at Mr. Casey's house. When Mr. Casey is away at Washington, he stays there and sleeps at the house, and watches the house for him. When Mr. Casey's family is here, he drives them out in a carriage.

Q. Can you give us the name of the man that Joe said was the cook at Herwig's house?—A. I can find out from him, I expect, as soon as I see him. I know the man. I had him pointed out to me.

Q. But you cannot give his name now?—A. No, sir; I cannot recollect this boy's name, but I will see what it is as quick as I pass by there.

By the CHAIRMAN:

Q. Where do you reside?—A. At 136 St. Ann street, corner of Annunciation.

Q. What is your business?—A. I am a clerk on the river; I am doing nothing now; I am taking charge of the business of my father-in-law, Mr. Schubert.

By Mr. CONGER:

Q. You watched Joe?—A. No, sir; I did not say I watched him.

Q. Which man was it that you said went to the weigher's department?—A. I said I have seen Joe in the weigher's department; in the morning you can generally find him there for an hour or an hour and a half after 9 o'clock—a very short time in the morning; after that you will always find him at Herwig's house.

Q. How many times did you watch him?—A. I don't know. I don't know that I ever watched him at all.

Q. How do you know how long he is there?—A. Simply because I pass there every day at 11 o'clock, and I always find him at the house.

Q. Do you watch Joe's proceedings every day to see how long he is at the one place and how long he is at the other?—A. No, sir; I do not, and I did not tell you so either.

Q. If you do not watch him every day how do you know how long he is at one place and how long he is at the other?—A. Simply because he told me himself that he never goes down except in the morning, and only stays there an hour or an hour and a half.

Q. A part of the time he is employed in the custom-house business?—A. I don't know whether he is employed there or not.

(Question repeated.)

A. I see him down there, but I never saw him working there.

Q. You know it in the same way that you know all this that you have told us; you know it because Joe told you that a part of the time he is working in the custom-house?—A. No, sir; I did not say that.

Q. You say he is not working in the custom-house any of the time?—A. To the best of my belief, he is not.

Q. And never has been?—A. To the best of my belief, he has not.

Q. Where did you say he went in the morning?—A. I said he came down to the custom-house, and went into the weigher's department, and you will find him there in the morning an hour or an hour and a half, and the balance of the time you would find him around Mr. Herwig's house.

Q. What is he doing there that hour or hour and a half?—A. Simply staying in the weigher's department.

Q. Have you seen him there?—A. Yes, sir.

Q. An hour and a half?—A. I would pass there and see him standing or sitting there.

Q. How long would you be there?—A. Five minutes.

Q. And you never saw him there except during that time?—A. Never in my life.

Q. How many times were you there five minutes when Joe was in the weigher's department?—A. It may have been ten times a month. I do not know.

Q. How do you know how long he staid there if you were only there five minutes?—A. Because I always went home at eleven o'clock and I would find him at Herwig's house. I pass right by Herwig's house and always see him there.

Q. Did you have any appointment with Joe to see him as you came along past the house?—A. No, sir.

Q. And yet you always saw him?—A. When I passed through there I would see him standing there.

Q. At Mr. Herwig's house?—A. Yes, sir.

Q. You always saw him when you came back?—A. No; I would not always see him,

but generally I would see him when I was passing there; sometimes he would be standing in the window; sometimes he would be washing the banquette, and sometimes he would be cleaning the windows at the house.

Q. How many times did you see Joe at Herwig's house?—A. I could not tell you that; that would be hard to say.

Q. Are you on intimate terms with Joe?—A. I know him to speak to him when I pass him on the street.

Q. Do you exchange conversation with him when you meet him?—A. I never talk to him on the street; sometimes I talk to him when he is washing the banquette of Mr. Herwig's house.

Q. How many times have you talked with Joe at Herwig's house, when you would be going home at 11 o'clock?—A. Not many times.

Q. How many times in all?—A. I suppose two or three times.

Q. How many times do you think you have seen him?—A. Twenty-five or thirty times.

Q. In how long a time?—A. In the last five or six months; sometimes he would be washing the front window, and sometimes he would be standing in the front door.

Q. Did you see him there before the last five months?—A. Yes; I have seen him there during the last eighteen months.

Q. How many times in the whole eighteen months have you seen Joe at Herwig's house when you have been going back to your house at 11 or half past 11 o'clock?—A. I cannot recollect that.

Q. Get at it as near as your memory serves you.—A. I generally go back home at 11 o'clock; there is a drug-store right across the street from Herwig's house; sometimes I see him standing at the front window and sometimes at the side window.

Q. How many times did you see him in the eighteen months about 11 o'clock at Herwig's house, as accurately as you can get at it?—A. I generally used to see him two or three times a week in passing; that is the best guess I can get at it. I know, because whenever I pass he always speaks to me.

Q. That would make about one hundred and twenty times in eighteen months?—A. If you want to get it down that fine, I cannot say.

Q. I want to know as near as you can tell us.—A. I cannot tell, because when I am passing on my way home to get my dinner I would sometimes see him and sometimes I would pass and not see him.

Q. Do you go home to dinner at 11 o'clock?—A. My dinner hour is at one.

Q. You pass Herwig's house two hours before dinner?—A. I may pass there a little time before or a little time after; my hours differ, like those of a great many other people.

Q. Did you work in the custom-house awhile?—A. No, sir.

Q. Never?—A. No, sir; never in my life.

Q. Were you never employed in the custom-house?—A. Never in my life.

Q. Did you ever work in any Government office since the war?—A. No, sir; never in my life, unless you call the democratic State-house down there a Government office. I was sergeant-at-arms to the house of representatives of the State of Louisiana at the last session.

Q. You say that the democratic club of the Fourth ward had spies all around to see where the money came from for the republican party?—A. No, sir; I did not say anything of the kind.

Q. Who did you say sent spies all around?—A. Do I have to repeat what I said before? I told that once before. I did not say the Fourth ward, I said the fourth district.

Q. Whom did you mean when you said, "We sent spies all around?"—A. I refuse to answer that question.

Q. Why?—A. I have my reasons for it. It was the fusion party; that is all I can tell.

Q. Will you answer my question?—A. I say it was the fusion party sent us around.

Q. What do you mean by the "fusion party"?—A. The McEnery party.

Q. Did the secret political society that you speak of send you around?—A. Which secret society?

Q. The political society you speak of.—A. We had a great many in that campaign.

Q. You said that you were sent there by a society in the fourth district to watch these men; what society do you mean?—A. I just told you a moment ago.

Q. Well, tell again.—A. I told you the fusion party.

Q. Were there any other men to watch these people but you?—A. I don't know.

Q. Why do you say they sent spies?—A. I know they did, but I do not know who they were.

Q. You went to watch the custom-house men?—A. Yes, sir; and there were more than me that went there.

Q. How long were you engaged in that service?—A. About six months in that campaign.

Q. Who paid you for your services?—A. I refuse to answer that.

Q. Did you receive any pay?—A. I refuse to answer that.

Q. Do you know who furnished the money to pay your expenses?—A. I refuse to answer that.

Q. Do you know whether other men were paid money for the same service during the same time that you were?—A. I refuse to answer that also.

Q. Did you tell these men about whom you were asked whether they drew pay while they were rendering no service to the custom-house, that you were watching their motions?—A. No, sir.

Q. Why not?—A. I was not a fool to tell them what I was doing—no, no; I kept that to myself.

Q. You tell me now you went up into the custom-house to watch men that were paid money?—A. Yes, sir.

Q. And you have given the names of several persons here?—A. Yes, sir.

Q. Some of whom you saw draw money in the custom-house?—A. Yes, sir.

Q. You saw them receiving the money?—A. Yes, sir.

Q. Give me the name of one of the men that you watched in the custom-house whom you saw receive money in the custom-house from custom-house officers, and who was not employed in the custom-house business.—A. Mr. Fred. L. King.

Q. When did you see him receive any money?—A. It was in 1872 when he wanted me to go up there and take the oath and join the pay-roll and do no work for it.

Q. What time in 1872?—A. I think it was in July or August of 1872; my boat was laid up then.

Q. How much did he receive?—A. He was drawing \$100 a month.

Q. How much money did you see him receive?—A. I don't know how much it was; I cannot exactly recollect. I think it was either \$100 or \$120.

Q. Who paid him the money that you saw him receive?—A. I do not know the man at all. I know he passed the money right through the window, and King was paid.

Q. Did some man pass the money through a window?—A. No; he passed it across a little bit of a black walnut shelf that he had there. He handed it to him. He went through into Mr. Casey's brother there.

Q. What was his name?—A. He is in the military.

Q. Do you mean Nicholas Casey?—A. Yes, sir; he went in toward where Mr. Casey was, and he came back from there with a check, and he passed it through there, and King got his money.

Q. Did you go into Nicholas Casey's room with him?—A. No, sir; I staid right at the door and saw him—you can look right through and see the whole thing.

Q. You did not go into Casey's room?—A. No, sir.

Q. You saw him go in and get a paper?—A. Yes, sir.

Q. Did you read the paper?—A. No, sir, I did not; it was just like a regular bank-check.

Q. Do you know what was on it?—A. I know it was money because he got money for it.

Q. Did you see that paper so as to know what was on it?—A. I simply know what he was doing, because I knew the man was not working in the custom-house, and I could not understand why he was there.

Q. Did you see the paper enough to judge from what you saw on it what it was?—A. I did.

Q. What was on the paper that you saw?—A. I did not see anything on the paper; I just judged what it was from what was done.

Q. I ask you again—did you see anything on that paper that you can remember and state?—A. No, sir, I did not; I could not see it unless I took it out of the gentleman's hands.

Q. King presented the paper at the office?—A. At the cashier's desk.

Q. What was paid to him?—A. It was paid to him in greenbacks; I could not tell how much.

A. How many dollars in greenbacks were paid to him there?—A. I could not tell that, unless I could stand alongside of the gentleman.

Q. Did you stand alongside of him?—A. No, sir; I stood within a foot or two of him; there was a lot of gentlemen waiting to get their checks in.

Q. Do you know how much money was paid to him at that time?—A. No, sir, I do not; but I know he stepped on one side and counted his money out, and there was a gentleman stood there with a little bit of a book. King handed \$5 out of his roll to this man. I said to him when he came out, "What did you give that \$5 out of your money for?" He said, "That is for the campaign; that is deducted out of our wages."

Q. That don't show how much money he had.—A. When he got outside he counted his money, and he had \$105 or \$110; that was four years ago.

Q. Did you see him count his money?—A. Yes, sir.

Q. Did you count it with him?—A. No, sir.

Q. Did he state how much there was?—A. Yes, sir.

Q. How much did he say there was in the roll?—A. He said there was \$105 or \$110; I forget which it was now.

Q. Why cannot you remember which it was?—A. It is four years ago. I am trying to recollect.

Q. Why did you say in your direct testimony that he got \$120?—A. From \$100 to \$120; that was what this post-roll was.

Q. Why didn't you know then exactly how much he got?—A. I was then talking of other men as well as him.

Q. You say you saw him count his money, and he told you how much there was?—A. I said before that Mr. Henry Reeder got \$120 on this post-roll.

Q. But it is King that you saw go in and got his money?—A. Yes, sir; those men got from \$100 to \$125, and sometimes they got \$150, according to what the wire-pullers of the ward said.

Q. How much did Mr. King get at this time?—A. I have just told you. When he got out there he counted his money, and there was \$105 or \$110; and I saw him hand \$5 from this desk to this man that had the book.

Q. Did you come away with him?—A. I went over and took a drink with him.

Q. Did he tell you what he received this money for?—A. No, sir.

Q. Do you know what he received it for?—A. I do.

Q. Was he not an employé of the custom-house at that time?—A. No, sir; and he never worked a day in his life there. To my personal knowledge he did not.

Q. Do you say he never did?—A. To my personal knowledge he did not.

Q. But do you say he never did?—A. To my own knowledge he did not. I do not believe he did.

Q. You do not know whether he did or did not?—A. At that time I know he was not working there.

Q. How do you know he was not?—A. Because he lived in my house and he could not pay his rent. I put him out.

Q. He could have paid his rent after he got his money?—A. Yes, sir; but I could not get it. He lived five months in the house, and at last I had to put him out.

Q. You asked this committee to subpoena certain men here?—A. Yes.

Q. You want them subpoenaed here?—A. Yes, sir.

Q. Do you take a good deal of interest in this matter?—A. I am doing all the interest I can for it.

Q. You feel a great deal of interest in it?—A. Yes, sir.

Q. Are you appointed to look up these things?—A. No, sir; I am not at all.

Q. Who gets you to look up these matters?—A. My own personal self.

Q. When did you present these things to the committee?—A. The first day the committee sat here.

Q. Who asked you to present them to the committee?—A. Myself.

Q. In writing or verbally?—A. Verbally.

Q. Had any of the committee told you to make the request here to have these men subpoenaed?—A. No, sir; I was looking for General Gibson to talk to him, and I found out he was not in the city.

Q. To-day has anybody told you to urge the committee to subpoena these men?—A. Not one living soul.

Q. You want the committee to do it because you want to show up the republican party?—A. No, sir; I do not say the republican party. I said the custom-house. I said the republican party first and corrected that.

Q. You said you wanted to show up the republican party?—A. I excused myself on that.

Q. But you do not deny saying it?—A. It is six of one and half a dozen of the other in New Orleans.

Q. Then you stick to the other proposition?—A. It is a square divide.

Q. You still stand by your first statement that you want to show up the republican party?—A. No, sir; I would rather make an equal divide. I would say, to show up the custom-house, but it is all the same thing.

Q. You feel a great interest in the purity of public officials?—A. I do; the officials we have in New Orleans.

Q. Why do you want to show up Casey and Herwig?—A. Simply because I heard Herwig make the remark the other night that he was worth \$1,000,000, and his brother is worth \$300,000 and holds over \$160,000 of bonds of the State of Louisiana. Ten years ago, they were not worth a five-cent piece.

Q. You think because a man is worth \$1,000,000, that it is your duty to show him up?—A. It is my duty to show where he got that money during the little time he has been serving.

Q. Are you at work for anybody in this matter?—A. No, sir.

Q. You won't tell me who paid you for the other service?—A. I refuse to tell you who put me there; I will say I never got a dollar for the other service.

Q. You refuse to tell me, also, whom you are working for now?—A. I do not.

Q. Whom are you working for in this examination?—A. For the democratic party.

Q. Why don't you work for the fusion party?—A. We have not got any such party in the State now.

Q. What has become of them?—A. They are defunct.

Q. And since they went out you are at work for the democratic party?—A. Yes, sir.

By Mr. WOODBURN:

Q. Where is this man Fred King now?—A. In the city of New Orleans.

Q. Did he ever pay you for the rental of your house?—A. Yes, sir; one rental.

Q. How much was he indebted to you when you saw him get \$105 or \$110?—A. I could not answer that question till I should go home and get my receipts and bring them here; I have them all at home.

Q. Was he indebted to you \$100?—A. No, sir.

Q. Was he indebted to you \$50?—A. It was something in the neighborhood of \$35 or \$40.

Q. You went over with him when he got the money and took a drink with him?—A. Yes, sir.

Q. You knew exactly how much money he had, or about how much money he had then?—A. I knew; I saw; yes.

Q. Did you ask him to pay you what he owed you?—A. No, sir; I did not.

Q. Why didn't you ask him to do so?—A. Simply because I thought he would come up and hand it to me; he lived within two blocks of my house.

Q. You parted then from him without asking him to pay?—A. My father-in-law was collecting this money himself at this time.

Q. Did you ever ask him for money before this time?—A. No, sir; not he; his mother always paid it to me; he generally took the money and gave it to his mother, and she paid the rent to us.

Q. You had an idea that he was in poor circumstances and was unable to pay you the rent?—A. Yes, sir.

Q. Did he show you any symptom of paying you before you went to take the drink?—A. At that time, he never paid the rent; his mother did.

Q. All you had to do to get the rent was to go to his mother?—A. Yes, sir; his mother was a dressmaker.

Q. Did the society of which you speak detail any other spy beside yourself to watch the custom-house?—A. Yes, sir; there were several.

Q. How many of them?—A. I think there were three or four.

Q. What were their names?—A. I refuse to answer that.

Q. Why do you refuse to answer?—A. Because I do not wish to.

Q. What duty was enjoined upon them by the association that detailed you for the purpose of playing the spy on these officials?—A. Do you want me to tell you the rules of the society?

Q. Was it an oath-bound organization?—A. No, sir; it was not. It was an order of our own.

Q. What was the name of the order?—A. I refuse to answer.

Q. You refuse to answer what its name was?—A. Yes, sir.

Q. Then its name was not the fusion party?—A. It was the fusion party.

Q. Was the name of the society the fusion party?—A. It was a private society we got up to watch these things throughout the State.

Q. I ask you was the name of the organization the fusion party?—A. No, sir.

Q. Why have you sworn that it was the fusion party that sent you?—A. We were working under the head of the fusion party.

Q. Why have you sworn that it was the fusion party that detailed you there to act the spy?—A. I said we were working under the fusion party.

Q. What was the name of the organization under the fusion party that detailed you for this duty?—A. I refuse to answer.

Mr. WOODBURN. Then I insist on an answer.

Mr. NEW. (To the witness.) Why do you refuse to answer?

A. Simply because I will not do it.

By the CHAIRMAN:

Q. Have you a reason for refusing to answer?—A. I have a reason; it is because I was bound not to tell it, and I cannot do it.

By Mr. WOODBURN:

Q. You have sworn that that was not an oath-bound organization?—A. The fusion party was not.

Q. I am not asking you about the fusion party; you have stated that you were detailed by an organization acting under the fusion party, and that that was not an oath-bound organization.—A. I said that simply because this society was formed from and came from the fusion party, and we were bound to do what was said when we took that oath.

Q. You swear now you had to take an oath?—A. Yes, sir; but we were working under the fusion party; this was another society, but the fusion party was at the head.

Q. This society to which you belonged was an oath-bound organization, acting under the fusion party; is that the truth?—A. Yes, sir.

Q. You yourself was a sworn member of the society?—A. Yes, sir; but I do not think we did anything illegitimate.

Q. What was the name of that oath-bound organization?—A. Do you suppose I am going to tell that?

Q. I insist on your telling. I want to test your credibility. I want to know whether you are telling the truth about this or not.

Mr. STEVENSON. When a witness makes a statement of this character and then refuses to answer a question such as the gentleman has asked him, (which I think to be a very proper one,) I am in favor of enforcing the penalty against him or compelling him to answer.

The CHAIRMAN. (To the witness.) Did you volunteer to come before this committee?—A. No, sir; I did not. I have been subpoenaed here.

Q. Did not you come to me and ask to come before this committee?—A. No, sir; I came here and introduced Fred L. King.

Q. Did not you say to me that you wanted to come before this committee?—A. No, sir.

Q. Has anybody induced you to come before this committee?—A. R. H. Marr.

By Mr. WOODBURN:

Q. Did not you tell Mr. Conger that you came here of your own volition and that you came here for the benefit of the democratic party the first day that this committee was in session?—A. No, sir.

Q. Did not you so swear?—A. No, sir; I did not.

Q. Did not you tell that gentleman (Mr. Conger) that you came after Mr. Gibson the first day this committee were in session here?—A. R. H. Marr came to my house, or I came to his house, in regard to this matter, and he asked me what I knew about these custom-house matters, and I told him about these witnesses; he said, "I would like you to go before the committee."

Q. Did not you tell Judge Conger that nobody ever induced you to come before this committee to tell what you knew; did not you swear that five minutes ago?—A. Did I tell Mr. Conger in the presence of Mr. Reilly that I did not know who subpoenaed me here?

Q. Did not you swear you came for the benefit of the democratic party and that nobody ever induced you to come here?—A. I do not know how you bring these technicalities up.

Q. I am asking you if you did not swear that a few moments ago?—A. I do not know how you bring that in on me.

Q. Do you say you have never sworn to facts of that kind upon this examination?—A. I said I came here for the benefit of showing the custom-house matter up.

Q. Did not you swear that nobody ever asked you to come here, and that you came here of your own volition; have you not testified to that?—A. Mr. Marr asked me if I would come here, and I told him "yes."

Q. Have you ever mentioned the name of Mr. Marr before?—A. No, sir; Mr. Marr is the gentleman that asked me if I would come here three or four weeks ago, and I told him "yes."

Q. Did not you come here yourself the first day the committee were in session for the purpose of seeing Mr. Gibson and having an interview with him?—A. Yes, sir; but I came here with Captain Flood to introduce Fred L. King to him.

By the CHAIRMAN:

Q. Did you have an interview with me?—A. I did; out in the lobby for about two minutes; and then I came in and told you if you wanted me or any of us, we would come with pleasure. I told you we wanted Fred L. King as a witness.

Mr. WOODBURN. I ask now that the chairman order him to answer this question: What was the name of this secret organization?

The CHAIRMAN, (to the witness.) That is a legitimate question; you are under oath to state the whole truth.

Mr. NEW, (to the witness.) The oath you took there in that society is not binding upon you as against the oath you have taken here; it is your duty to answer the question.

The WITNESS. It was an association got up in the first place among the steamboat-men.

By Mr. WOODBURN:

Q. What was the name that it was known by to the members of the organization or of the society?—A. I do not want to break my oath.

By Mr. DARRALL:

Q. Have not you seen the name in the papers?—A. No, sir.

By the CHAIRMAN:

Q. Why did you come before this committee if you did not expect to tell the truth?—A. I do tell the truth, sir; but I did not think this thing would be brought up on me.

The CHAIRMAN. You will have to answer that question.

The WITNESS. I refuse to answer; I cannot do it.

Mr. STEVENSON. I wish to say that in my opinion, the question asked by Mr. Woodburn is a very proper one; and if the witness refuses to answer, the only thing that the committee can do is to report the matter to the House of Representatives.

By Mr. CONGER:

Q. Will you tell this committee the names of any members of that society?—A. No, sir; I will not.

By the CHAIRMAN :

Q. Will you state how many members there were?—A. I will.

Q. To your own knowledge?—A. I will tell you that. There were thirty-five members, and I was secretary of the society.

By Mr. STEVENSON :

Q. Did you say they were steamboatmen?—A. About four-fifths of them were steamboatmen.

By Mr. WOODBURN :

Q. Were the other three gentlemen that were detailed as spies to watch the custom-house officers members of the same society to which you belonged and the name of which you refused to state?—A. There was one of them from our organization.

Q. What was his name?—A. I refuse to answer that. If you get him here, you will find out.

By the CHAIRMAN :

Q. Were you bound to secrecy with reference merely to these custom-house matters?—A. No, sir; I was bound by the secrets of that society.

By Mr. VANCE :

Q. Who organized that society and under whose direction was it organized?—A. I refuse to answer that.

By Mr. STEVENSON :

Q. You say there were thirty-five members, of whom four-fifths were steamboatmen?—A. Yes, sir.

Q. That is, men that work at steamboating?—A. They were generally steamboat-clerks, pilots, and mates; there were four of us who were captains on the river.

Q. Are you a steamboatman?—A. I am.

Q. What kind of a steamboatman are you?—A. I have been first clerk and second clerk for the last twelve years on the river. Three years ago I quit the river.

Q. You had a secret organization of steamboatmen?—A. Yes, sir; it was composed of steamboatmen first.

Q. When was that society organized?—A. That society was organized in the early part of 1872.

Q. In connection with the fusion movement?—A. Yes, sir.

Q. In connection with the movement between Warmoth and McEnery?—A. Yes, sir.

Q. Do you mean to swear that that organization was a political organization?—A. I do not know whether it was a political organization or not; it looked to me like it; the working of it looked so. I was backward and forward on the river so much that I did not have a chance to vote myself in 1872.

Q. Then you were on the river, and had nothing to do with the election?—A. I was not here in the election; I was secretary of the society, but when I was not here the assistant secretary took charge.

Q. There were thirty-five members in your society?—A. Yes, sir.

Q. Was that the only organization of the kind in the city?—A. I do not know that; I think there were others, from what I understood.

Q. Other organizations of steamboatmen?—A. Yes, sir. I knew that the boys down there in the third district had one; that is, from what I understood from them.

Q. That was a social organization of steamboatmen, was it?—A. Yes, sir; they started out with the boys that lived in the fourth district.

Q. What was the object of the organization, and what did you do?—A. It is a political organization we had; that is what I went into it for.

Q. What did you go in there to do?—A. To carry the election; that is what we wanted to do.

Q. How were you to carry the election?—A. By hard work.

Q. By hard work, how?—A. Politically.

Q. What kind of work were you to do?—A. Do you wish me to tell the whole workings of the club?

Q. Yes, sir.—A. I refuse to do it.

By Mr. CONGER :

Q. How many other societies do you know of in the city?—A. All of them belonged in the city.

Q. How many other such societies, in other districts, do you know of?—A. I know of about four; I think there were four; I know there were two or three below Canal street.

Q. How many districts are there in the city?—A. I think there were seven or eight—eight.

Q. Was there one such society in each district?—A. I do not know that, simply because I was steamboating a good part of the time in Red River.

Q. If you were steamboating so much of the time, how had you time to watch Joe every morning at 11 o'clock?—A. I did not say anything of that kind about the year 1872.

Q. Did you watch Joe in 1872?—A. No, sir; I did not know anything about Joe in 1872.

Q. Your acquaintance with Joe has commenced since?—A. Yes, sir.

Q. Were you working for the same society when you were watching Joe?—A. No, sir; that was busted up then.

Q. But you told me that you belonged to a secret society, and that you were detailed to watch certain men; was that in 1872?—A. Yes, sir; that was in 1872.

Q. Was that the time that you watched these men that got their pay, but who were not working in the custom-house?—A. No, sir; I did not say anything of the kind. I said when I was detailed there, I was detailed to watch certain parties in the custom-house. That was the early part of 1872. I told you that I saw Mr. Joe draw his pay in 1872, but then you asked me how many times I had passed him since that in eighteen months. Eighteen months from 1872 is a doggoned long time.

Q. Tell me the name of that other spy that was detailed at the same time that you were.—A. You will have to go and find that out from somebody else.

Q. Do you refuse to answer that question?—A. I do; flat-footed.

Q. You have mentioned three that were detailed?—A. I said there was three; I did not mention three.

Q. Two of them belonged to the society you belonged to?—A. Yes, sir.

Q. And one was from another society?—A. Yes, sir.

Q. What district was he from?—A. He was from the sixth district.

Q. What was the name of the other member from your society that was detailed as a spy?—A. Did I say spy?

Q. Yes, sir; I use your language; they were spies, were they not?—A. Yes, sir; and I will do it again.

Q. What was the name of the other spy from your society?—A. Do you want his name?

Q. Yes, sir; I do.—A. I cannot give you his name.

Q. Do you know him?—A. I do know him.

Q. Is he in the city?—A. He is in the city.

Q. Where does he live?—A. You might as well ask his name.

Q. I do ask his name?—A. I am not going to tell you.

Q. You refuse to tell me?—A. Yes, sir.

Q. And you refuse to tell me where he lives?—A. Yes, sir.

Q. But he is in the city now?—A. He was, last week; I saw him last week here.

Q. Has he been here to this committee-room?—A. No, sir.

Q. Have you seen him in this adjoining room, or in the hall?—A. No, sir.

Q. Have you talked to him within the last two weeks?—A. I spoke to him on the street I passed him on the street.

Q. Have you given his name as a witness here?—A. No, sir.

Q. Has he been subpoenaed to come here to your knowledge?—A. Not to my knowledge.

Q. Will you tell me who asked you to come here?—A. I do not know; Mr. Marr was talking to me, and he asked me if I knew anything in relation to the custom-house, and I told him I did; he then asked me if I would come here if I was subpoenaed, and I said, "yes," and I was subpoenaed. I never looked to see who subpoenaed me. Bob Diamond was on the same subpoena with me.

Q. Was Diamond the other man that acted as a spy with you to watch these custom-house men?—A. I refuse to answer any question like that.

Q. Do you say he was not?—A. I refuse to answer that; I do not think you have any right to ask any questions of that kind.

By Mr. DARRALL:

Q. Why do you decline to answer questions that are asked? Is it because of the oath that you took?—A. Yes.

Q. Would you be willing to give the committee some idea of the nature of the oath, or whom it was taken before, or something in regard to it, so that we may be able to judge whether we should press you or not to answer?—A. I would rather fix that up and give it to you, gentlemen, in the morning. I am secretary of the organization.

Q. Is your society still in existence?—A. Yes.

Q. Is Captain Flood a member of it?—A. He is not known in it.

Q. Would you care to state to the committee what your connection with the society was? Did you receive orders from the fusion party, or did they instruct you what to do?—A. Direct from the fusion party—no, sir.

Q. Either direct or indirect?—A. I never received a direct order from the fusion party.

Q. You were working under the fusion party; cannot you give us some idea of what your connection with it was?—A. I voted that ticket.

By the CHAIRMAN:

Q. You swore a moment ago that your society was "busted?"—A. That society was busted at that time in the fusion party.

By Mr. STEVENSON :

Q. You stated to me that you had not voted in 1872 at all.—A. No; I think not. I must have made a mistake if I did, because I did vote at the mouth of the Red River. We landed there and voted. We voted our whole crew there.

By Mr. DARRALL :

Q. When you performed this duty, you did it under the orders of your society, or under its direction; is that the idea?—A. Yes, sir.

Q. It was decided in the society that you and another gentleman should be picked out for this service?—A. Yes, sir; there were three of us.

Q. Three of you selected for that service?—A. Yes, sir.

Q. And by orders of the society you performed that service?—A. Yes, sir.

Q. In your society, when men are selected for any service by the society, they are under oath to perform that duty, are they not?—A. I believe so.

Q. Suppose you were selected to do some service that was not quite as agreeable as this was, would you still be compelled to do it under your oath?—A. Certainly we are.

Q. Whatever duty the society should select you or any other of its members to do, you are under your oath bound to perform?—A. Yes, sir.

Q. No matter what the duty may be?—A. I would want to find out what that was before I went into it.

By the CHAIRMAN :

Q. Suppose your oath-bound society should tell you to go and kill a man, would you do it?—A. I would want to know what it was done for before I would do it.

By Mr. DARRALL :

Q. As I understand you, the majority of the society decide what the duty is to be, and then select a man to do it?—A. Yes, sir.

Q. No matter what the duty is, if a majority of the society decide that a certain man or men are to do it, they have to do it?—A. Yes, sir.

Q. Can you tell us whom you took this oath before; was it before the head of the society?—A. Yes, sir.

Q. Are you the secretary?—A. Yes, sir.

Q. At the present time?—A. Yes, sir.

Q. You do not care to tell us who the president is?—A. No, sir.

Q. Do you know whether these oath societies are still in existence?—A. We had a meeting the other night. We had the committees of four societies with us, so I suppose there must still be an organization.

Q. As you understand it, all of these societies have the same rules and regulations that you have. I refer especially to the rule that a majority of the society shall decide what, if any, action shall be taken, and, on that majority decision, the members are oath-bound to perform whatever duty is assigned to them.—A. Do you mean for political purposes?

Q. I do not care about that especially. You have sworn that, according to the rules of your society, a majority of the society shall decide what duty a member shall perform, and that then that member is oath-bound to perform that duty, whatever it may be?—A. Yes, sir; he is.

Q. Do the other oath societies have the same rule?—A. Yes, sir; we have all the same rule.

Q. Does that society extend out of the city?—A. All the societies are in the parish of Orleans. I have never heard of any society outside of the city.

Q. What is your position at present?—A. I am sergeant-at-arms of the house of representatives, when it is in session, but it is kind of defunct now.

By Mr. WOODBURN :

Q. When were you appointed sergeant-at-arms?—A. I was never appointed. I was elected by the House.

Q. When were you elected?—A. I was elected last year in the ten days' session. I was elected on the 4th of January, 1875, when the soldiers of Congress put us out.

By Mr. DARRALL :

Q. You say that you had a recent meeting of your society?—A. Yes, sir.

Q. The societies are all in active working operation?—A. Yes, sir.

Q. And ready to perform any duties of this peculiar nature?—A. They perform nothing but legitimate duties. We want to see a fair, square election carried on here, and that is all.

By Mr. NEW :

Q. The chairman asked you, a moment ago, if you were ordered, as a member of this society, to kill a man, whether you would regard it as your duty to do it or not; and you replied that you would first want to see why the order was made. I want to know if you intend this committee to understand from your answer that you recognize it as a part of the powers of

the society, of which you are a member and secretary, to order you to kill a man, if it chose to do so, and that if that order was made it would be binding upon you?—A. No, sir; it would not.

By the CHAIRMAN:

Q. Is not this whole thing a cock and bull story that you have made up since you have come here before this committee?—A. No, sir.

By Mr. NEW:

Q. Do you recognize, as a member of that society, that it has the power or the right to order you, or any other member of that society, to kill a man?—A. No, sir; it has not.

Q. For any purpose?—A. No, sir; it has not.

By Mr. STEVENSON:

Q. What was your object in making the impression upon the committee that you had to do everything they ordered you?—A. The society is simply to watch everything that is doing. We have to send out guards at night and watch night after night.

Q. To watch what, night after night?—A. We had to watch our tickets through the printing-office, and then send round to the polls and guard the polls during the day. That is more what we are working for now than anything else. The society now is a re-organization from 1872.

Q. Have not you said that you belonged to a secret political society here, and that you took an oath, and that by that oath you were bound to do everything they told you?—A. Yes, sir; I am bound to do it now.

Q. Suppose they pass a resolution and order you to kill or cripple a man, are you bound to do that?—A. No; I am not.

Q. Why did you say so, then, to the committee?—A. I did not say I was bound to do anything of the kind.

Q. Did not you say that you were bound to do everything they told you to do?—A. No; I said we had a set of laws laid down, and that what we swore to we had to stand by.

Q. What is the name of that society?—A. I refuse to answer.

Q. Why do you refuse to answer?—A. Simply because I do not wish to—I cannot.

Q. You say that you belonged to a society whose name you cannot give.—A. I do.

Q. What is the object of that society?—A. I cannot answer that question.

Q. What is the reason you cannot give the object of it, and why do you come before this committee at all if you do not come to tell the truth?—A. I do tell the truth, but, my God, you have got me down to things I cannot answer.

Q. We want you to answer that, and tell all you know about it; what is the name of that society?—A. I refuse to answer it.

Q. What is the object of that society?—A. I refuse to answer it.

Q. How many members belong to that society?—A. Thirty-five.

Q. Are they mostly steamboatmen?—A. Four-fifths of them.

Q. In what business is the other fifth?—A. They are clerks here in New Orleans.

Q. What kind of clerks?—A. In dry-goods houses, and some of them in commission-houses.

Q. Are any of those men who belong to that society prominent as public men in New Orleans?—A. No, sir.

Q. They do not include what are known as the prominent democrats of New Orleans?—A. No, sir.

Q. They include none of the prominent men of any party?—A. No, sir.

Q. Do those prominent democrats know anything about or have they had anything to do with this organization you speak of?—A. No, sir; it is got up particularly of young men.

Q. Do you know of your personal knowledge of any person belonging to that society except the thirty-five men you have spoken of?—A. I am on oath; yes, sir; I know of two, but I cannot give you their names—no; I know four. They were at the meeting the other night; they came from other societies.

Q. What societies?—A. Sections 3, 6, 7, and 9.

Q. How many other societies are there of that kind that you know of?—A. I know of but four. They are all composed of young men of the city.

Q. What is the object of the society?—A. Our society there and section No. 3 are composed of steamboatmen. The men in No. 3 live below Canal street.

Q. Are those the only societies of that kind composed of steamboatmen?—A. Section No. 3 and ours are the only ones of that kind that I know.

Q. Are these steamboatmen usually very prominent men in politics?—A. Well, they have been so since 1872; they have taken a very active part, indeed, in politics.

Q. You mentioned a while ago the name of Mr. Marr?—A. Mr. Marr is an intimate friend of mine—I cannot say intimate; I know him very well.

Q. Do you swear to this committee that Mr. Marr is an intimate friend of yours?—A. I know him very well. I cannot say intimate, but every time I see Mr. Marr, like every other politician, I speak to him. I know where he lives, and I speak to him.

- Q. Is that what you meant to say, that you meet him and speak to him as a politician?—
A. Yes, sir.
- Q. And because that is so, you swear that he is your intimate friend?—A. I caught myself up on that.
- Q. Do not you know, as a matter of fact, that Mr. Marr is not your intimate friend, and that you have nothing to do with him socially?—A. No, sir; I have not.
- Q. Do you ever visit his family?—A. No, sir.
- Q. Does his family visit you?—A. No, sir.
- Q. When you stated that he was an intimate friend of yours, you stated what was not true?—A. I say I caught myself on that.
- Q. Mr. Marr is a prominent leading democrat here in the city, is he not?—A. Yes, sir; in a certain portion, he is.
- Q. He is not a member of the faction that you belong to, is he?—A. Yes, sir; he is.
- Q. Do you swear that he belongs to your secret society?—A. No, sir.
- Q. Did not you say that he belonged to your faction?—A. There are two or three factions fighting together in this town, and I know that Mr. Marr is with us in our faction in our ward.
- Q. Do not you know as a matter of fact that you have mentioned Mr. Marr's name to give yourself an importance that you are not entitled to?—A. No, sir; Mr. Marr could not give me any prominence in this town, whatever.
- Q. As a matter of fact, do any of the prominent public men of this city belong to the organization you have spoken of?—A. No, sir.
- Q. You decline to state to this committee the purpose of the organization of that society?—A. I do.
- Q. And you refuse still to give its name?—A. I do.
- Q. Did you ever counsel with such men as General Gibson, Mr. Marr, or Mr. Austin, or other prominent democrats in regard to this organization?—A. No, sir.
- Q. Do they know anything about it so far as you know?—A. I do not know that; so far as I know, no, sir.
- Q. They have never attended any of those meetings and you have never held counsel with them?—A. No, sir.
- By the CHAIRMAN:
- Q. Were you ever a member of a political club in this city during your life-time?—A. No, sir.
- Q. Are you sure that you were never a member of a political club?—A. I have voted at the republican primary elections, but I never was a member of one of their clubs.
- Q. Did you ever vote the republican ticket?—A. At a primary election I have.
- Q. Have you many friends in the republican party?—A. I have not one to my personal knowledge.
- Q. Has anybody asked you to come here and swear to this statement of facts?—A. No, sir.
- Q. And nobody has offered to pay you to swear, if you would swear, to this statement of facts?—A. No, sir.
- Q. Have not you been bribed to come before this committee and make up this whole story?—A. I would like to find the man that asked me such a thing on the street.
- Q. I ask it of you, on your oath?—A. No, sir; nobody did so. I would like the man to come outside of this committee-room and insult me with any such question as that. That is a direct insult.
- Q. Did you ever tell anybody that you were a republican?—A. No, sir; I did not.
- The CHAIRMAN. I will ask the committee to suspend the examination of Mr. Johnston one moment, while I put a question or two to Mr. Walter Reagan, who has been already sworn as a witness before this committee.
- Mr. WALTER REAGAN was then examined as follows:
- By the CHAIRMAN:
- Q. Do you know this man, Carroll W. Johnston?—A. I do.
- Q. Did he ever tell you he was a republican?—A. Repeatedly.
- Q. Did he ever tell you he was an employé in the custom-house?—A. He did, and I have quizzed him about it; for prior to that I had heard him talking very loudly about his democracy. I was under the impression that he was in the employ of the custom-house, until a day or two prior to the election of 1874.
- The examination of Mr. CARROLL W. JOHNSTON was then resumed as follows:
- By the CHAIRMAN:
- Q. And if these other societies are secret, how is it possible for you to know anything about them?—A. Simply because all these societies are working under one head.
- Q. Is it a social society that you belong to, or is it a political organization?—A. It is a secret political organization; that is exactly what it is.

Q. Where do you meet?—A. We met at my house the last meeting we had, which was last week.

Q. Were all the thirty-five members of your society there?—A. Yes; they were in my parlors.

Q. How often do you meet?—A. We generally meet twice a month.

By Mr. NEW :

Q. How many of these societies do you say there are, to your knowledge, in this city?—

A. I think four, sir.

Q. And they are known by what numbers?—A. Sections 3, 7, 8, and 9, I think.

Q. By what number is your section called?—A. Number 3.

Q. When was the last meeting of that society that you had knowledge of?—A. Last Thursday.

Q. Was it in the day-time or night?—A. At night.

Q. At what time did the society meet at your house?—A. Eleven o'clock.

Q. After the society met, did it organize?—A. No, sir; they had been organized a week before.

Q. Was it a formal meeting with president and secretary?—A. Yes, sir; we had about eighteen men there.

Q. After they got together, was the meeting called to order?—A. Yes, sir.

Q. Did it have a president?—A. Yes, sir; the president and myself were there.

Q. You were the secretary?—A. Yes, sir.

Q. Is the president an old man or a young one?—A. A young man—about 35.

Q. What is your judgment as to the age of the oldest man of those men that belong to your society?—A. They range from 21 or 22 to 36 or 38 years of age.

Q. Have you, by the rules of your society, any limit as to age?—A. Yes, sir; members must be under 40 years old.

Q. How long was your society in session that night?—A. On Thursday night we were about one hour and a half: it was very nearly 12 o'clock when we parted.

Q. Where did you meet?—A. In my parlors.

Q. What precaution, if any, did you take as to outsiders?—A. We had a man stationed at the front gate.

Q. By what name is that officer known?—A. I refuse to answer that.

Q. What officials has the society besides president and secretary?—A. None at all that I know of.

Q. Has it a treasurer?—A. Yes, sir; we have a president, secretary, and treasurer.

Q. What other officers?—A. We have also one sergeant-at-arms. He generally takes charge of the door.

Q. Have you a record of your meetings?—A. We have.

Q. A written record?—A. Yes, sir.

Q. You are the secretary?—A. Yes, sir.

Q. Have you the custody of that record?—A. Yes, sir.

Q. Where do you keep it?—A. I refuse to answer that also.

Q. Did your society, when it adjourned, adjourn to a night certain?—A. Yes, sir; a night certain.

Q. When?—A. I also refuse to tell you that. I cannot tell you that unless you gentlemen would like to be up there. Sometimes we meet in our ward; sometimes at one house and sometimes at another.

Q. At what other points in the city has your society met, if you are willing to tell?—A. Do you mean outside of my own ward?

Q. Yes, sir.—A. I refuse to tell that.

Q. Where else in your own ward?—A. They have met at my house three times. They met at the wigwam one night.

Q. Where is the wigwam?—A. On St. Charles street, between Jackson and Josephine streets. There is no number on it. They met there last Tuesday night.

Q. They met last Tuesday night at the wigwam and again on Thursday at your house?—A. Yes, sir. They had some business there on Tuesday, and they adjourned to meet Thursday night at my house.

Q. Do you not know in what part of the city either of these other societies have met?—A. No, sir.

Q. Will you state to the committee?—A. No, sir.

Q. Is there any rule or regulation in your society by which its members are compelled to belong to certain employments?—A. No, sir.

Q. Any person within the requisite age may be a member?—A. Yes, sir; you have got to be from twenty-one up to forty years of age.

By the CHAIRMAN :

Q. Can a democrat belong to it?—A. Yes, sir.

Q. Can a republican belong to it?—A. No, sir.

By Mr. DARRALL :

Q. What is your section ?—A. Section No. 3.

Q. When was this meeting, when you had a number of committees from other societies ?—A. I think it was Thursday night. I think there were three or four committees. There was one member from each committee.

Q. Tuesday night you say the meeting was at the wigwam ?—A. Yes, sir ; we had to burn candles in there. We did not have any gas in there at all.

Q. At your house you had committees from what other sections ?—A. There were committees from sections 6, 7, and 9.

Q. Can you locate those other societies and tell me what districts they are in ?—A. Yes, sir ; I can locate them, but I will not do it.

Q. Do you not know that there is a society of this kind in every district, or more than one society of the kind in every district, in the city ?—A. I do not know whether there are or not. I have never seen them.

Q. You only know of four ?—A. I only know of four. I suppose they are all over the city.

Q. You stated that you would be glad to see the committee meet with you at the next meeting ?—A. Yes, sir.

Q. There is no objection to that ?—A. No, sir.

Q. Do you extend your invitation to republicans and democrats, both ?—A. Yes, sir ; I stated to General Gibson that I invited all the members of the committee.

By Mr. STEVENSON :

Q. If you invite us there, why cannot you tell us what you do at those meetings ?—A. I do not suppose when you are there, we are going to do what we usually do among ourselves.

Q. And you are not going to tell what you do ?—A. No, sir ; you come there and wait on us, and we will be happy to see all you gentlemen there.

By Mr. DARRALL :

Q. Do your societies ever advertise your meetings in the newspapers ?—A. No, sir.

Q. Have you ever done so at any time ?—A. No, sir ; we send postal cards around ; some of the societies put notices in the papers. I see some of them sometimes, but we generally send postal cards around.

Q. You have been asked in regard to the class of men that belong to [your society ; they are all very young men, are they not ?—A. We have got men there that are thirty-eight years old.

Q. Are they not what we generally call " boys," active, young, energetic men, the men that make things hum ?—A. They are the " boys ;" that is just about what they are.

Q. But you all work under the fusion party ?—A. Yes, sir.

Q. Are you getting ready for the next campaign ?—A. We are talking that way.

Q. You are having meetings now ?—A. We are now trying to bring the whole of the societies into one club and join altogether ; we are trying to get each and every ward to join into the central club.

By Mr. REILLY :

Q. Do you know anybody else of your name in this city ?—A. Yes, sir ; there is another man, Charles Johnston, that lives up in the Eleventh ward.

Q. Is that C. W. Johnson ?—A. He has exactly the same initials as my name is.

Q. The only difference is that you are Carroll W. and he is Charles W. ?—A. Yes, sir.

Q. What is his business ?—A. I know I have been taken for him, and have got letters for him at my house.

Q. Do you know whether he was ever employed at the custom-house ?—A. No, sir.

Q. You never were ?—A. No, sir.

Q. You never signed any vouchers there ?—A. No, sir ; never in my life.

Q. You stated that this society prescribed a limit as to the age of its members, making it forty years of age ?—A. Yes, sir ; we are trying to get young men in there as much as possible.

Q. Did it prescribe any limitations as to membership ?—A. We have no more than thirty-five members.

Q. Is there any other necessary qualification as to membership ?—A. Yes, sir ; we cannot allow a republican in it.

Q. Is there any limitation as to nationality ?—A. No, sir ; as long as the man is a qualified citizen of the United States—a naturalized citizen—he can be a member.

Q. Must he not be native-born ?—A. No, sir ; if he is naturalized, that is enough.

Q. Are there any other limitations as to membership ?—A. No, sir.

Q. Is the name of this society the " American Protective Union ?"—A. I cannot answer that.

Q. Why ?—A. I cannot do it.

Q. Do you swear that that is not the name of it ?—A. I will not swear that it is, or that it is not.

By Mr. NEW :

Q. Has it ever been known by the name of the White League?—A. No, sir; that White League has died away.

By Mr. STEVENSON :

Q. You know Mr. Reagan?—A. Yes, sir.

Q. Did you ever tell him that you were a republican?—A. No, sir; not in those words.

Q. You never told him that?—A. No, sir.

Q. Did you ever tell him you were at work in the custom-house?—A. Yes, sir; I believe I did once.

Q. Was that true?—A. No, sir; I told him that for an object. That was the time when Mr. Pinchback was running for an election.

Q. When you want to carry out an object you tell things, whether they are true or not?—A. I was not under oath, when I was telling him that.

Q. When you are not under oath, and you want to carry out an object, you tell anything whether it is true or not?—A. I might tell a man one thing to make him believe another.

Q. You tell a man one thing and make him believe that, when another thing is true?—Yes, sir.

Q. For instance, you told Mr. Reagan you were at work in the custom-house when that was not true?—A. Yes, sir.

Q. And you told him that you were a republican?—A. No, sir; I never voted a republican ticket in my life.

Q. Had you gone to the polls and worked for the republicans at a primary election?—A. Yes, sir; I went there to beat Pinchback, and I did so, too.

Q. When you are under oath, you are more particular about what you tell than when you are not?—A. I try to be.

Q. You do not mind telling what is not the truth when you are not under oath?—A. That is done every day.

Q. You do that every day?—A. It is done every day.

Q. I am asking you what you do every day.—A. No, sir; I do not do it every day.

Q. Do you state to the committee that you do not tell every day what is not true?—A. I did not state anything of the kind; a thing of this kind is done every day in politics—making a remark of this kind.

Q. A remark such as this, that you are at work in the custom-house, when it is not true?—A. He met me in the custom-house, when I was there in 1872 and 1873, and he asked me, "What are you doing?" and I said I was working there. I was working in that for an object.

Q. But when Mr. Reagan said that you told him that you were a republican, you believe that about that he is mistaken?—A. I do not think Mr. Reagan ever asked me that question. If he did I have forgotten it.

By Mr. WOODBURN :

Q. Did not you tell Mr. Marr that you were working in the custom-house?—A. I told Mr. Marr that I was working in the custom-house.

By Mr. STEVENSON :

Q. And that was not true, either?—A. No; I was not working in the custom-house.

Q. So, what you told Mr. Marr was not true?—A. I told Mr. Marr I was working in the custom-house, and I would like to testify.

By Mr. WOODBURN :

Q. Did Mr. Marr know your name?—A. Yes, sir.

Q. Did not he ask your name and did not you give it to him?—A. No, sir; Mr. Marr knew me before I ever called on him.

Q. Did you see him writing in a book?—A. Yes, sir.

Q. If he knew you and knew your name, what was the necessity of putting your name down in a book?—A. He must have that to keep a memorandum of it.

Q. Did not you tell Mr. Reagan that you were a republican when you voted the republican ticket at the primary?—A. Not a republican; I never made that remark.

By Mr. DARRALL :

Q. Have you the by-laws of your association written out?—A. I have.

Q. All the by-laws and regulations?—A. Yes, sir.

Q. Including the oath?—A. I have, sir.

Q. Would you care to present them to the committee for inspection?—A. I will present them for inspection.

Q. Is the name of the society on them?—A. Yes, sir; I will bring you the by-laws so that you may see them.

Q. Would you blot out the name or would you let us see the name of the society?—A. I will bring our by-laws to you, if you want to see them. I will have them here by 12 o'clock to-morrow.

By Mr. REILLY :

Q. Is this society incorporated by any decree of court or by an act of legislature ?—A. No, sir.

Q. Is it a mere association ?—A. It is a mere association among the boys.

Q. You adopt your own constitution, rules, and regulations ?—A. Yes, sir.

Q. Were you ever employed as watchman at any of the warehouses ?—A. No, sir ; never in my life.

Q. Or about any of the public buildings ?—A. No, sir : never in my life.

By Mr. NEW :

Q. Will you bring the by-laws or the records that contain them ?—A. I will have them here at 12 o'clock to-morrow.

NEW ORLEANS, *June 12, 1876.*

THEODORE LIPSHUTS sworn and examined.

By Mr. REILLY :

Question. You are a resident of this city ?—Answer. Yes, sir.

Q. How long have you lived here ?—A. About ten years.

Q. Have you been in the employ of the United States Government ?—A. I am now in their employ, and have been previously.

Q. In what capacity are you working now ?—A. At present I am an inspector of customs.

Q. How long have you held that position ?—A. I have held this position since the 1st day of March last.

Q. Had you been in the service of the custom-house immediately prior to that ?—A. I had been night-officer.

Q. Up to the time that you were appointed inspector ?—A. Certainly.

Q. How long had you been in that position ?—A. Since the 1st of September, 1874.

Q. Had you been in the custom-house prior to that time ?—A. On the 24th of April, 1869, I was appointed an inspector. I have my commission in my pocket.

Q. How long did you remain in that position ?—A. I was there thirteen months and a half at that time.

Q. Then you held that position until some time in the spring of 1870 ?—A. Yes, sir.

Q. Were you in the employ of the Government from that time in 1870 until 1874, when you were appointed night-watchman ?—A. No, sir ; I was out.

Q. Did you hold any position under the Government at all ?—A. No, sir.

Q. Have you any knowledge of any irregularities in the management of the custom-house ?—A. I have not.

Q. Or in reference to the conduct of any officials there ?—A. No, sir.

Q. Have you not made such charges ?—A. Allow me to make a statement right here. I know why I am subpoenaed and why I was sent for. I cannot answer your question unless you allow me to make an explanation.

Q. Answer the question first, and then you may make any explanation you please. Have you at any time made such charges ?—A. I have. During the session of the legislature of our State this year I was approached by a man by the name of J. Richardson, a newspaper correspondent, with whom I was acquainted quite intimately previous to that time. He told me that there was a combination existing in this city that would make efforts to get Mr. Herwig removed from the custom-house, and that if I would aid them it would be to my benefit. Mr. Herwig had been a friend of mine previous to that ; he has befriended me on many occasions ; and I thought if I could, by appearing to these gentlemen to be acting in concert with them, gain information that would serve my friend, I would do so. Richardson took me to a gentleman by the name of Colonel Jewett, with whom I have also been acquainted for some time. I found out from them that there is an organization in the State calling themselves the American Union Club. I found out, however, by mixing with the American Union Club that these grievances were against Mr. Herwig for the reason, as they claimed, that Mr. Herwig did not appoint them to office, but appointed democrats. They said that they had written to the Secretary of the Treasury and to some other parties in Washington about it. These gentlemen organized not long ago, and they appointed an executive committee, of which Colonel Wright was the chairman. After having a conversation with him, he stated to me that he thought it was very wrong that the boys did not get employment, and he would be willing to help them in an honorable way, but that he would not lend himself to any dirty acts against Mr. Herwig. Colonel Jewett, however, and other parties, claiming to be a sub-executive committee, told me that they would use all means and every means to destroy Mr. Herwig. Colonel Jewett said especially that he never would rest until he saw the door of the penitentiary shut on Mr. Herwig. I worked along with them some time,

and let them apparently suppose that I was with them, for the purpose of serving my friend. They asked me certain things in a particular manner. They knew I was very active in getting Mr. Dubuclet appointed State treasurer, and they asked me if I knew of any delegates that had been paid in the custom-house. I told them I did, (which I will admit frankly was not a fact,) and that I myself had signed a pay-roll for a man that had been a delegate, (although I had not done it.) I told them that because my object was to protect my friend. Jewett then said to me that they had, or, at least, that he had a fund of from \$4,000 to \$6,000 at his command—what they called a secret-service fund—and that they had secured that money in order that it should be applied to obtaining and buying witnesses against Mr. Herwig. He said also that they had already secured some gentlemen that were then working in the custom-house, but the names of those gentlemen they did not give me. He offered me that, if I were to make affidavit to those facts that I had stated to them—

By Mr. STEVENSON:

Q. Who offered you that?—A. Colonel Jewett. He offered that if I would do that they would give me the same amount I was receiving in the custom-house, and would pay me every Monday morning enough money for me and my family to live. After I had obtained those facts I sat down, in the latter part of January, and wrote a letter to Mr. Herwig, stating these things that were transpiring against him. I wrote to him because I could not get to see him personally. I told him all these facts, and that he was surrounded by spies.

Mr. STEVENSON objected to this line of testimony as being outside the legitimate scope of investigation, under the resolution of the House.

The CHAIRMAN sustained the objection.

By Mr. REILLY:

Q. Tell us some of the charges that you made or the information that you gave these people.—A. I said that I had signed a pay-roll for a man that had been a delegate, and that he received the money on it.

Q. Was that the only information of wrong-doing you ever gave them?—A. That is all.

Q. Was that the only wrong-doing you ever asserted in regard to any one in the custom-house?—A. That is all, with the exception of another charge that I made against the auditor of the custom-house; that was also made in the same manner.

Q. What was that charge?—A. That charge was that I had taken my salary in advance, and had paid five per cent. interest per month. It was true that I had received that money through the auditor, but not from the auditor. The auditor was simply acting as an agent for the Citizens' Savings Bank.

Q. He advanced you your salary, and you paid five per cent. per month?—A. No, sir; it was the Citizens' Savings Bank.

Q. Who advanced you the money?—A. The Savings Bank; the auditor acted as agent for that bank.

Q. Was that money paid to you?—A. Yes, sir; I borrowed it of the Savings Bank.

Q. How much did you borrow?—A. My salary every month.

Q. Did they pay you every month, or did you borrow a lump-sum?—A. I borrowed the amount for one month.

Q. Did that occur only once?—A. It occurred more than once.

Q. What was there wrong in that?—A. Simply, as I conveyed the idea to them, that there were some irregularities in it; that is all. I wanted to get at what they were after and what they intended to do.

Q. Are these the only charges you ever preferred?—A. These were the only charges I ever preferred.

Q. Have you ever published, in one of the papers in this city, certain charges against the custom-house officials?—A. No, sir.

Q. Have you not given information to the editors of any of the papers?—A. Not against the custom-house.

Q. Or information which they published?—A. No, sir.

Q. Have you given information to the Bulletin of that kind?—A. Not against the custom-house officers; I have against State officers. I published a letter once to the auditor of the State in the Bulletin.

Q. Did you not obtain your present position for the purpose of keeping you quiet and stopping your assertion of charges which you were then making?—A. No, sir.

Q. There was no understanding of that kind between you and any of the officers when you received your appointment?—A. No, sir.

Q. Had you not written to the officials stating that you were in possession of information which you would disclose, if they did not give you employment?—A. No, sir.

Q. Had you communicated that to them in any way?—A. No, sir, I have not written myself, except to satisfy those gentlemen. When they told me that they had this fund of \$4,000 as a secret-service fund, since I knew they were poor men and had no money, I wanted to see who were instigating them in what they were doing.

Q. Did you, under those circumstances, write a letter?—A. I had a letter written, making a demand; they told me that if I would bring a suit, they would furnish me with the money.

Q. Did you write a letter?—A. I had it written, making a demand for \$90 for one month's services.

Q. Services for what?—A. Nothing was said about that.

Q. Did you not state that you were in possession of information which you would disclose?—A. It said simply that I was entitled to one month's salary.

Q. What was the name of the delegate for whom you said you signed the voucher, and to whom you gave the money?—A. Phillips.

Q. What was his full name?—A. I do not know his full name.

Q. What name did you state to these people was the name you used?—A. My own name. I signed my own name to the paper.

Q. And you got this money for the delegate?—A. No, sir.

Q. I want to know the name of the delegate whose name you signed.—A. My name is signed to the pay-roll.

Q. You told these men that you knew of one delegate who had drawn money; did I not so understand you?—A. I said a delegate that had received money.

Q. What was the name of that person?—A. Phillips.

Q. What was his given name?—A. I do not know.

Q. Was that the name you mentioned to them?—A. I said it was Judge Phillips.

Q. And you told them that you had signed his name?—A. No, sir; I signed my own name.

Q. But you said he had received the money?—A. Yes, sir.

Q. Did you say how much he had received?—A. Yes, sir; one month's salary.

Q. When was it that you said he had received it?—A. The month of September.

Q. What year?—A. 1874.

Q. Do you know whether there was such a man as Phillips in the employ of the custom-house?—A. He was not in the employ of the custom-house.

Q. Was there a man by that name who was a delegate in the convention?—A. Yes, sir; I took him there myself.

Q. Do you know whether there is a voucher on record in that name?—A. I do not know it.

Q. If there is, and the money was drawn, the man was in the employ of the custom-house?—A. I do not know; I could not tell that.

Q. Did you not just say that you said to these men that this was a man who had drawn money and was not in the employ of the custom-house?—A. I said this was one man who was a delegate, and that I had signed a voucher for my month's pay, and that he had received the money.

Q. What is there wrong about that?—A. There is nothing wrong that I know of.

Q. Do you mean that you gave him your salary?—A. Not at all. I do not mean to say that.

Q. What was the charge that you intended to prefer against the custom-house when you spoke to these men about this?—A. I said to them that he was a delegate to this convention; that I had taken him there myself, and had secured his support for Mr. Dubuclet, and that I had signed the roll for September, but that he had received the money.

Q. Whose name did you sign?—A. My own name.

Q. Did you sign a pay-roll for your own pay besides?—A. No, sir; I only received one pay-roll.

Q. How did you get the money?—A. Mr. Herwig had loaned me during the summer \$80, and I paid him in that way.

Q. I cannot understand this thing very well; explain it a little more fully.—A. I signed the pay-roll as I am signing pay-rolls now, when my month was up.

Q. Were you in the employ of the custom-house at that time?—A. Certainly.

Q. At the time this transaction was said to have occurred?—A. Yes, sir.

By Mr. NEW:

Q. Was that delegate named W. B. Phillips?—A. Yes, sir; I presume that is his name.

By Mr. REILLY:

Q. Did you get your own salary that month?—A. I got it, but Mr. Herwig had loaned me money previous to that, and I paid it with this.

Q. Then there was no money drawn in the name of Phillips?—A. No, sir.

Q. Was there a voucher on the files of the Department for money drawn in the name of Phillips for the month of September?—A. I do not know.

Q. Then if there was such a voucher he was not entitled to the money?—A. No, sir.

Q. You know him well?—A. Yes, sir.

Q. You took him as a delegate to the convention?—A. Yes, sir.

Q. Do you know what his business was in September, 1874?—A. No, sir.

Q. Was he in the employ of the custom-house?—A. I do not think he was.

Q. Was it not true, when you made the charge, that the facts were just as you stated them?—A. I think not.

Q. Do you know that the records will bear out the truth of what you said?—A. Perhaps they may, but I do not think so, because they cannot.

Q. How much was your salary at that time?—A. Ninety dollars a month.

Q. How much money did you receive, or say to these gentlemen that you received, for that month on this occasion?—A. I said I had received my salary, and I paid my debt with it.

Q. With it you paid Mr. Herwig back the \$80 that he had loaned you?—A. Yes, sir.

Q. Where did Judge Phillips come in in this transaction?—A. That is more than I know.

Q. What did you mean to convey by what you said to these gentlemen?—A. I meant to get into their confidence, so as to know what they were up to.

Q. And you thought you could not get their confidence without making the charge?—A. Yes, sir; that is it.

Q. What was the charge that you said to these men that you knew the custom-house officials were guilty of?—A. They took what I said as a charge.

Q. What was that?—A. I told them that Mr. Phillips received \$90 for the month that I was employed there and that I had signed the pay-roll in my own name.

Q. You said to them that you gave the money to Mr. Phillips?—A. Yes; I paid Mr. Herwig what I owed him by giving it to Mr. Phillips.

Q. Where does Phillips come in?—A. That is more than I can tell you.

Q. Did you mean to convey to these men that Mr. Phillips had received one month's pay in the custom-house because he was a delegate in the convention?—A. That is exactly what I intended to convey.

Q. You made that direct charge?—A. Yes, sir.

Q. Do you not know it to be a fact that he did receive the money?—A. It may be.

Q. Do you not know it?—A. I do not.

Q. Were you not interested in procuring that month's salary for him?—A. No, sir.

Q. Did he not receive this month's salary as a consideration for him to vote as you wished him to vote?—A. No, sir.

Q. Was Mr. Herwig interested in that election?—A. I could not tell you.

Q. Was he at the convention?—A. I do not think he was.

Q. Did he ever talk with you about it?—A. No, sir; he did not; the first man I spoke to was Mr. Dubuclet.

Q. I am asking you about Mr. Herwig?—A. He knew nothing about it.

Q. He never spoke to you about it?—A. No, sir.

Q. He never asked you to use your influence for Mr. Dubuclet?—A. That was afterward: he knew I would do it.

Q. How did he know it?—A. Because I was his friend.

Q. Did he speak to you about it?—A. No, sir.

Q. Either before or after the nomination?—A. During the canvass, I was very active. I was not doing anything myself then; I was not employed; it was before I went into the custom-house. Mr. Dubuclet had always been a friend of mine.

Q. Were you employed in the custom-house in September, because of the part you took in that convention?—A. Well, I presume I was.

Q. Do you not know that you were?—A. Yes, sir.

Q. Do not you know that it was in pursuance of an understanding with Mr. Herwig before the convention came off?—A. Not with Mr. Herwig.

Q. Or with any customs official?—A. No, sir.

Q. With whom, then?—A. With Mr. Dubuclet.

Q. You had never spoken to Mr. Herwig then about it?—A. No, sir.

Q. Did you get any money at the custom-house before September?—A. Only what Herwig loaned me.

Q. And he loaned you \$80?—A. Yes, sir.

Q. Did you spend that in the campaign?—A. No, sir; I got that for the support of my family.

Q. When did you get it?—A. During the months of June, July, and August.

Q. You did not get it all at one time, then?—A. No, sir.

Q. You were re-appointed to a place in the custom-house?—A. Yes, sir.

Q. And out of your first month's salary you repaid this money?—A. Yes, sir.

Q. You were out of employment when you were appointed?—A. Yes, sir.

Q. And had been for some time?—A. Yes, sir.

Q. And you have a family?—A. Yes, sir.

Q. You took an active part in this campaign?—A. Yes, sir.

Q. Where was the convention held?—A. At the State-house in New Orleans.

Q. How long were you engaged in that campaign?—A. From the commencement to the end.

Q. And you spent a good deal of money?—A. Not a cent.

Q. What induced you to take this very active interest in that campaign?—A. Be-

cause I know what politics mean. If I assisted Mr. Dubuclet to his nomination, his influence would be sufficient to get me a position in the custom-house.

Q. You knew that?—A. I had that understanding with Mr. Dubuclet.

Q. You never spoke about it to any one else?—A. No, sir.

Q. Did Mr. Dubuclet tell you that, if you would support him, somebody in the custom-house had promised him to give you a place?—A. No, sir; but he told me he would use his influence to get me appointed.

Q. Was Mr. Phillips with you in the custom-house when this money was to be drawn?—A. No, sir; one day, Mr. Herwig told me that he wanted to see Mr. Phillips; that was at the end of September; Phillips was to go up to some of the parishes to make speeches.

Q. Why did Herwig tell you that he wanted to see Phillips?—A. I am a personal friend of Mr. Herwig.

Q. Did not you just this moment tell us that you had spoken to Mr. Herwig about Phillips?—A. Yes; this was after the nomination. The nomination was in August and this was in September.

Q. How did it come that Herwig asked you to bring Phillips?—A. Because I brought him to the convention in the first place, when he was a delegate.

Q. You had brought Mr. Phillips to see Mr. Herwig?—A. Certainly, I did.

Q. Did you talk about the convention then?—A. I guess we did.

Q. Did you get any money then?—A. No, sir.

Q. Did you not tell us that you had never spoken a word to Mr. Herwig about the campaign?—A. I still say I never spoke to Mr. Herwig about the campaign. You asked me if I had spoken to Mr. Herwig about the position.

Q. When was it that you and Mr. Phillips were together in Mr. Herwig's office?—A. I was there when I was signing my voucher. Mr. Herwig told me if I saw Phillips to send him up, and I did so the next day.

Q. Why did Herwig say he wanted to see Phillips?—A. I do not know.

Q. Was that the time you signed the voucher, the money for which you said was given to Phillips?—A. No, sir; you seem to misconstrue my ideas altogether. I have told you before that I made that a pretext with those gentlemen, Mr. Richardson, Colonel Jewett, and others; I never told Mr. Phillips or Mr. Herwig, or any one else, about it.

Q. I understand that it is your theory that you simply said this to these men in that way, but I have a theory of my own, to the effect that it was more than a mere assertion; how often, altogether, did you see Mr. Phillips during that campaign?—A. I saw him frequently.

Q. How often did you see him with Mr. Herwig?—A. I do not remember that I saw him more than once, when I took him there.

Q. Have you not already told us a moment ago that you saw him twice?—A. I told you that Mr. Herwig told me to send Phillips up to him; Phillips was not with me at that time.

Q. You told us Phillips was there, and afterward Phillips was going up to some parishes to make speeches.—A. Herwig told me, at the time I signed my voucher, when I saw Phillips to send him up, and I did send him up.

Q. You did not go with him?—A. I don't recollect.

Q. You are not sure about that?—A. I am not sure about that; I might have gone.

Q. You are sure that Phillips did never get any money at the custom-house?—A. I cannot say; Herwig's friends make plenty of money.

Q. I mean money as an employé.—A. I do not know as to that.

Q. He never got any in your presence?—A. No, sir; I saw him that time I was with him get \$15.

Q. When was that?—A. The first day of October.

Q. Was that the occasion that Herwig told you to send Phillips up?—A. Yes, sir; I believe I was with him.

Q. You recollect now that you were with him?—A. Yes, sir.

Q. Is that a different time from the time that you and Phillips were there, and when Phillips was told to go up in the parishes and make speeches?—A. That was the same time.

Q. It was all in one visit?—A. It was the same time. He was to go into the country to make some canvassing speeches.

Q. Did you ever say that you knew any other person, except Phillips, who was not employed there, to receive money at the custom-house?—A. Perhaps I said his colleague.

Q. Who was that?—A. William Ward.

Q. Did you say that he had received money also?—A. I think he did; I could not say that he did.

Q. Do you think so now?—A. I know no better. I know he paid the money.

Q. Who paid the money?—A. Mr. Dubuclet's agent, Mr. Auguste.

Q. Where was it paid?—A. It was paid on Common street. I never saw him receive any money at the custom-house.

Q. Do you know of any other person?—A. No, sir.

Q. Did you ever say that you did know of any other person?—A. No, sir.

Q. These are the only charges you ever made?—A. Yes, sir.

Q. Do you know who was the editor of the Bulletin in 1874?—A. Mr. Byerly.

Q. You never gave any information to him of certain charges against the custom-house, which he published?—A. No, sir.

Q. Or which appeared in his paper?—A. No, sir.

Q. Nothing of that kind?—A. Nothing of that kind. I do not recollect it, at any rate; I only recollect of publishing one letter, which was to Mr. Clinton—a direct, personal letter.

Q. Have you at any time talked with any person about your being a witness?—A. I presume I have; the whole town is full of it.

Q. With whom?—A. With a good many. I am a good talker.

Q. Did you ever talk to Mr. Herwig?—A. Certainly.

Q. Since you have been subpoenaed?—A. Yes, sir.

Q. Did you say anything about what would be the subject of your testimony here as you supposed?—A. No, sir.

Q. Did Mr. Herwig say that to you?—A. No, sir.

Q. What did you tell Mr. Herwig about it?—A. I said I was subpoenaed.

Q. What did he say about it?—A. He said I would have to go.

Q. There was no more; the subject of your testimony was not discussed?—A. It might have been. He probably might have asked what they expected to know from me, and I answered that was more than I could tell.

Q. But you did not communicate to him any knowledge of what you might be questioned about?—A. You bring me right back to the point that I started from; that I had written a letter to Mr. Herwig about those parties, and that I had stated to Mr. Herwig that I must appear on the street as his enemy, but no matter what he would hear, I was his friend.

Q. Did you talk to Mr. Herwig about that since you were subpoenaed?—A. No, sir; that was talked of long before your committee were here.

Q. I am speaking of the time since you have been subpoenaed; I ask you the question, did you and Mr. Herwig talk about these charges that you have made?—A. I have not told any of the charges; we talked about the subject of the subpoena and charges, but not what I would be asked or what I would say.

Q. Did you talk about these charges that you had made some time ago?—A. He knew that.

Q. Did you talk about it?—A. I made these charges with his full understanding.

Q. Understand my question and please answer; did you and Mr. Herwig talk about it since you have been subpoenaed?—A. Not much.

Q. You talked some little about it?—A. Yes, I presume I understood, or I gave him to understand, that I knew full well who would have me subpoenaed here and from what source it would come.

Q. You indicated that to Mr. Herwig?—A. Yes, sir; certainly.

Q. As fully as you have here?—A. No, sir.

Q. What did Mr. Herwig say to you; that those were the facts or that he had this letter yet?—A. Yes, sir, he has that letter yet. I told him I should call for that letter.

Q. When was that letter written?—A. In the latter part of January last, five or six months ago.

Q. Why did you leave the service in 1870?—A. General Sheldon got me discharged in Washington.

Q. You had been out of the service from that time in 1870, until September, 1874?—A. Yes, sir.

Q. Some four years?—A. Well, I have not had any employment there, that is a fact.

Q. Have you not been trying during this whole four years to be re-instated?—A. No, sir.

Q. Have you not made application to be re-instated?—A. I do not remember that now. I might have; some of my friends might have made application.

Q. Have you not repeatedly done so?—A. No. I staid away for two years and never went near them.

Q. Were you not re-instated because of the charges that you said you would make if they did not re-employ you?—A. No, sir.

Q. Nothing of that kind?—A. Nothing of that kind.

By Mr. WOODBURN:

Q. When Mr. Herwig gave your friend Mr. Phillips \$15, did he say anything about giving it to him as an employé in the custom-house?—A. No, sir, I have not heard any such remarks.

Q. Was anything said by Mr. Herwig when he handed Phillips the \$15?—A. Simply, as it seemed, that Phillips had spoken to him for money for expenses to go up the country to make political speeches.

NEW ORLEANS, *June 12, 1876.*

WILLIAM B. PHILLIPS sworn and examined.

By Mr. REILLY :

Question. Where do you live?—Answer. In the city of New Orleans.

Q. How long have you lived there?—A. Since 1871.

Q. In what business are you engaged?—A. At present, I am not particularly engaged at all; at present, I am doing nothing.

Q. How long have you been out of employment?—A. Since 1871, except that occasionally I have got some writing to do.

Q. Where do you do your writing?—A. I do my writing at my house.

Q. Is it official writing that you do?—A. It has been; yes, sir.

Q. For whom?—A. I have been several times clerk of some committee of the house of representatives of this State; I have drawn up bills, resolutions, &c., for members of the house.

Q. You were at one time judge of a parish court here, were you not?—A. Yes, sir; in the parish of Grant.

Q. Have you ever been employed in the custom-house at anything at the solicitation or instance of any custom-house official or employé?—A. I have not done any work in the custom-house.

Q. What have you done in the custom-house?—A. Nothing. I say that I have never done any work in the custom-house.

Q. Have you ever received any money in the custom-house?—A. I could not answer that question, with all respect to the committee.

Q. What is the difficulty about answering it? Do you know what the answer ought to be?—A. I know what the answer ought to be, but I think I am privileged from answering a question that would possibly criminate myself.

Mr. REILLY. I will state to you that any answer that you would make here, or any evidence that you would give here, under a statute of the United States cannot be used as evidence against you in any proceeding or prosecution against you hereafter; you are especially protected by a statute of the United States in that regard.

The WITNESS. I was not aware of that.

Q. Now, sir, will you answer the question?—A. I have received money at the custom-house.

Q. What amount of money have you received there?—A. You have caught me un-awares; by a little examination I might have given you the amounts, but I could not state them now.

Q. Approximate to it as nearly as you can and give your best recollection of the amount.—A. In 1874 I received in the neighborhood of \$200.

Q. Did you receive the first money of that kind in 1874?—A. I think it was 1874, but I will not be positive.

Q. What time in 1874 did you receive the first moneys there paid you?—A. It was the time of the nominating convention for State treasurer.

Q. Who was nominated for State treasurer?—A. Antoine Dubuclet.

Q. You think that was in 1874?—A. I think it was in 1874; anyhow, it was at that time that I first received money, as I remember.

Q. By whom was that money paid to you?—A. It was paid to me by Mr. Herwig.

Q. What is his given name?—A. P. F.

Q. What was his office then?—A. He was deputy collector of customs.

Q. Has he been since, and is he now, the deputy collector of customs?—A. He is so represented to be; he is, I believe, acting now in that capacity.

Q. How much money did he pay you at that time—the first time?—A. The first payment he made to me was \$90, for which, I think—that is, I do not think about it, I know, a man by the name of Lipshuts signed a voucher. I did not sign a voucher myself.

Q. Was that the gentleman who was in here a few moments since?—A. I just met him in the other room.

Q. State to the committee that transaction; just how it was, and what the money was paid for, and what your connection was with Lipshuts?—A. I was a delegate to the State convention that nominated Mr. Dubuclet to office. I was approached by Mr. Lipshuts and told that Mr. Herwig was interested in having him nominated. I said to him that Mr. Dubuclet was my personal choice; he then insisted upon my working for him and he stated to me that there was money in it; he asked me to call and see Mr. Herwig; he stated to me that Mr. Herwig was interested in State warrants to the amount of about \$150,000 or \$200,000; I don't remember the exact amount, but I know he said that Herwig was very much interested in seeing that his man was nominated. I went to see Mr. Herwig. Mr. Herwig did not state to me that he had any personal or pecuniary interest in the matter, but he said that he was a friend of Dubuclet's and he told me to go to work and use my best endeavors and influence in his behalf, &c., and everything would be satisfactory.

Q. What else was said by him, if anything, in any conversation?—A. I stated to Mr. Herwig that I would see Mr. Dubuclet, and Mr. Herwig said, "Yes, or Mr. Oglesby, who represents Dubuclet." When I went down to the custom-house after some money, I drew, I think, \$90 the first time—it was not \$2 more or less than that, I am sure—and for that Lipshuts signed the pay-roll; that is, he did not sign a pay-roll, but it was a Government voucher, or something of that kind.

Q. Did you see him sign it?—A. I did.

Q. Did he sign it in his own name?—A. In his own name.

Q. What conversation did you have with him at the time, or before that time, about his signing it?—A. It was stated that there was a maximum number on the rolls, and that they could not carry any one else on, so that he had to sign and give way to me for the money.

Q. Did you ever have any conversation with Mr. Herwig other than the conversation which you have already stated; that is, was anything further said in that conversation other than what you have already narrated, before proceeding to any other action or conversation?—A. I do not remember that there was or that there was not. There might have been some other remarks made with reference to this nomination.

Q. How long was it after you had had the first conversation with Lipshuts before you drew the \$90?—A. I do not know. I could not tell you that exactly. I was talking with him every day in the State-house.

Q. But you have referred to the first conversation that you had with him on the subject. How long was it after that before you drew the \$90?—A. I think it was two or three days—three days probably; I could not say positively, because I talked with him most every day.

Q. You say this money was paid to you by Herwig?—A. I believe he drew a check for it.

Q. You got the check cashed?—A. Yes, sir.

Q. Did you get the money there at the custom-house?—A. I do not know whether I got it there; I think I got it at the National Bank—Oglesby's bank.

Q. And Herwig gave you the money?—A. He gave me either the money or a check.

Q. Which do you think it was?—A. I think it was a check.

Q. How long was it after that before you again got money there, and what was the next sum obtained?—A. I think it was inside of a week.

Q. Within a week?—A. Yes, sir.

Q. What sum did you then get?—A. I think I got about \$75 or \$100; I could not tell you the exact amount.

Q. Was there any other consideration for that money than the consideration you have already stated?—A. No other, except that I gave him a receipt for the amount.

Q. Had you done anything at the custom-house or for the Government in any way for which that sum of money was paid?—A. No; that was all in the Dubuclet matter.

Q. What did he give you at the time—a draft or money—if you can remember which it was?—A. I think every time, with the exception of, probably, twice, he gave me a check on the National Bank.

Q. And that second time you think you gave him an ordinary receipt?—A. I gave him an ordinary receipt.

Q. What conversation did you have with him upon the subject of the payment of money, or upon any other subject at that time, if you remember?—A. I made arrangements, that is, partially, for the payment of Ward, who was a delegate also; he was paid about the same time.

Q. Was he with you?—A. No, sir; he did not go in with me; he was paid, though, about the same time.

Q. How do you know that he was paid?—A. He came out and told me he was paid; he was satisfied.

Q. Did he go to the custom-house with you on that occasion?—A. We had been there several times, but we had never been in this office together.

Q. Did he go with you to the custom-house on that occasion?—A. We were there several times together.

Q. Was he with you at that time when you got this \$75?—A. I do not mean that he was there with me in Herwig's presence.

Q. But did you and he at that time go to the custom-house together?—A. We were there very often together; occasionally he was there, and occasionally I was there; I could not recollect all those things.

Q. When you and he did go together, did only one of you go into the presence of Mr. Herwig at a time?—A. That is all; one time, I think, we went in together, but I do not know whether we got any money that time.

Q. When any money was paid, so far as you remember, there was only one present?—A. There was only one present.

Q. Would you go away from the custom-house together?—A. We did on one or two occasions; at other times we did not. I think we did every time except once when we drew money.

Q. Was he an employé at the custom-house?—A. That I cannot tell you.

Q. Do you know of his having any other employment or doing any other service for Herwig than the same that you were doing?—A. I do not know of his having done any work there.

Q. Was he working for the same candidate for the senate?—A. He was working for the same candidate for State treasurer.

Q. Do you remember the next occasion when you got money there?—A. I got money there in August, 1875.

Q. You say that was the third time you got money there, counting from the first occasion when you got money?—A. I am not saying that either was the first, second, or third time.

Q. You have already named two occasions—one of \$90 and another of \$75—and I understood you to say that those were the first and second occasions when you received money?—A. No; it might have been that the last payment was more than I stated, a little more; I would not be positive as to specific amounts.

Q. Do you think you could now state to the committee the different sums you received on different occasions?—A. I could not state in dollars and cents what I received in 1875.

Q. About what amount did you receive in 1875?—A. I think it was in the neighborhood of \$200.

Q. You mean now last year?—A. I mean 1874, not 1875.

Q. Is it your best recollection that the first payments you received were in the order you have named, \$90, \$75, and then about \$200?—A. Those are payments that I received in 1874 that I remember of, though, by referring to a little data I have, there might prove to be a difference. There might be some more, but I do not think there is. All of it was in reference to this Dubuclet matter, but I could not tell you the specific amount, or whether it was more or less than \$200.

Q. You have now stated three sums received by you as you remember in 1874, \$90, then \$75, and next \$200.—A. O, no; not at all; the aggregate amount in 1874 was \$200; it might have been more or less.

Q. What is your best judgment as to what the aggregate amount was?—A. That I could not tell you, because it is some time ago.

Q. You have spoken of \$90 and of \$75; that would not make up \$200; what was the third payment?—A. It was all during that convention; it might have been more or less than that amount, but I do not think it was any less.

Q. Were any pay-rolls signed on account of the payment of that money to you, either by yourself or anybody else, except the first time?—A. No; I do not think my name appears on any pay-roll in 1874.

Q. Have you stated now all the money you think you have received in 1874?—A. I think that is all.

Q. Did you receive any money in 1875?—A. I think I received in August, 1875, \$5.

Q. What was that \$5 paid for, and what was the consideration for it, and what did you do for which you received it?—A. I was at the State-house on Saint Louis street; some one approached me and said that Mr. Herwig desired to see me. I went down, and he told me, that on an examination of his accounts and one thing and another, he saw that there was a balance due me of \$5. If my memory serves me right, that was on the 8th of March; I have the date of it at home. He then gave me a check for \$5 on the National Bank. He asked me then to sign some blanks; I signed my name on them eight times.

Q. Did you sign your own individual name?—A. Yes, sir.

Q. On what kind of a paper was your name signed?—A. On some kind of a printed voucher.

Q. Were you familiar with the custom-house pay-rolls?—A. I was not, sir.

Q. About what size was the paper?—A. It looked to be about the size, or it might be a little larger, than letter-paper.

Q. Did it have a printed heading?—A. It was all printed matter, except the blank space.

Q. You signed it in blank?—A. Yes, sir; I signed it in blank.

Q. You say you signed your name eight times; how many vouchers were there?—A. I think there were only two.

Q. You mean, then, that you signed your name four times to each sheet of paper?—A. I think they are made out in duplicate.

Q. Then there must have been four papers each time when you signed your name?—

A. I only think that; I am not sure; I paid very little attention to it.

Q. Were they made out in duplicate?—A. I could not tell whether they were made out in duplicate or not.

Q. Was there but one sheet or two sheets?—A. There were two sheets.

Q. And you signed your name four times on each sheet?—A. No, I do not say four times; I think I signed my name eight times.

Q. Was the paper made in that shape? [A double sheet of letter-paper.]—A. Yes, sir; I signed it four times; I signed two different sets, I think.

Q. To sign your name there eight times, you would have to put your name four times on each sheet.—A. I could not tell you that; I know it was printed matter that I signed.

Q. Was there anything else said by him then?—A. Nothing at all, that I remember of.

Q. He was not owing you \$5, was he?—A. I do not know whether he was or not; he was not owing me anything that I knew of, but he said that on examining the papers and one thing and another he found that there was \$5 coming to me, and he asked me to sign those blanks and I signed them.

Q. Have you ever been paid anything at the custom-house since that time?—A. Yes.

Q. When was that?—A. I called on Mr. Herwig myself.

Q. Where?—A. At the custom-house.

Q. What conversation did you have with him?—A. I told him that I was required to go up the country to Point Coupee, and I asked him to loan me some money; he lent me \$8—gave me a check.

Q. When was that?—A. I think that was about the 18th or 20th of December.

Q. In 1875?—A. Yes, sir; I think so.

Q. Was that all that was said?—A. That was all that was said about that. I told him that I had to go up there; that I was under indictment.

Q. Were you ever paid any money by him there or anywhere else since that time?—A. Yes, sir.

Q. Where was that?—A. It was at the custom-house.

Q. When was it?—A. I think I borrowed some money from Mr. Herwig five or six different times.

Q. About what sums in all did you borrow?—A. There was \$8 at one time, and \$5 at another, and \$5 at another, and \$20 at another.

Q. About when were those sums borrowed, as you best remember?—A. That was paid at the custom-house?

Q. About when?—A. If I had my data here and could see when I went to Point Coupee, I could tell better. I think that I borrowed some money when I went to Point Coupee before.

Q. Did you execute a note to him, or any due-bill, or any evidence of the indebtedness?—A. I gave a promissory note.

Q. Each time that you borrowed the money?—A. Each time that I borrowed the money I gave a note; in 1875, I gave a receipt simply for so much money.

Q. In 1875, it was not borrowed money, was it?—A. No, sir; that was to enable me to work with Mr. Dubuclet, I understood.

Q. The \$5, of which you have spoken, was given to you on account of your signing your name to these blank vouchers?—A. He did not so state.

Q. But that was your understanding in the transaction, was it not?—A. He did not state anything about that, he asked me to sign them; he said that there was a discrepancy in the account, and that there was \$5 due to me.

Q. Was he owing you anything at that time, that you know of?—A. No, sir.

Q. Has he ever called on you to repay these small sums which you borrowed and for which you gave your notes, and which were obtained by you from him since the convention that nominated Dubuclet?—A. No, sir. The convention was in 1874; the borrowed money was in the latter part of 1875.

Q. What time was the convention in 1874?—A. I think it was along about August, but I am not sure; I could not tell you.

Q. Have you at any other times or on any other occasions than those which you have named received money from him or from any other person in his behalf, and, if so, when and where was it?—A. I suppose that includes all the times.

Q. Those were the only occasions, were they?—A. No, sir; they were not; in 1872, I drew money.

Q. What moneys did you receive then?—A. I received money for the months of September and October, \$93 a month, less two bits.

Q. That was for the months of September and October?—A. I think it began in the month of September; it was anyhow for two months preceding election.

Q. What was the consideration of those payments to you?—A. I was putting in all the good I could for the party.

Q. Where was that money paid to you?—A. At the custom-house.

Q. By whom?—A. It was paid to me by a check of Mr. Herwig's, I think.

Q. Did you sign anything?—A. I signed vouchers.

Q. Were they printed vouchers?—A. They were the same as the others, but they were filled out.

Q. They were the same as those you spoke of a while ago?—A. Yes, sir; except that they were filled out for \$93.

Q. Were those the only amounts you received from him in 1872?—A. I think that was the only money I received; I did not receive \$93 each month, but I received the \$93, less, I think, two bits.

Q. State whether or not your name during any of the times you have named was upon the pay-roll as an employé.—A. I could not tell that.

Q. Do you remember whether to these papers that you signed there was what purported to be an oath or affidavit?—A. Yes, sir; there was.

Q. Was your name signed at such a place upon these papers as to indicate that you had taken the oath?—A. Yes, sir.

Q. Did you in fact take the oath?—A. I did not. I stated to Mr. Herwig that I could not say that I had rendered the service.

Q. Did he want you to take the oath?—A. He said to me I was only to sign my name.

Q. Have you seen any of those blanks since that time?—A. I have not; I do not think that I have. I have been in the custom-house several times. I possibly might have glanced over them.

Q. You do not know whether a jurat has been attached by anybody authorized to administer an oath to that blank or not?—A. I think it was; I think I went with him and he just simply signed his name.

Q. Who was that officer?—A. I do not remember.

Q. There was an officer?—A. There was.

Q. Did he have a seal?—A. I think there was a seal attached.

Q. Did you see him attach the seal?—A. That I could not say.

Q. But it is your impression, from your recollection, that a seal was attached?—A. Yes, sir; it is my recollection that a seal was attached.

Q. Did you then at that time know the officer who attached the seal?—A. I could not answer that question. I do not know whether I did or not; it certainly does not occur to me that I do know him or that I do not.

Q. Have you ever seen him since to know him—was he a notary?—A. No; he was an officer in the building.

Q. What aged man was he?—A. That I could not tell you; I do not remember. I know I went through the door right into the building. I remember one man in the same building; that is Mr. Copeland; but I could not tell now who it was that signed this jurat.

Q. Was it Copeland?—A. I could not say; I know he was in the building, but I could not swear who it was.

Q. Do you know a man by the name of Crawford?—A. I do not know that I do.

Q. Have you ever seen any person there in the employment of the custom-house, or about there in the custom-house, by the name of Crawford?—A. I do not know; there are a great many there who are total strangers to me.

Q. Describe the appearance of the man?—A. That I could not do; I simply remember taking this paper, and I told him I could not make oath to it.

Q. Have you stated to the committee, so far as you remember, the several sums of money that you received, and all the facts connected with the reception of those moneys?—A. I think I have, sir; I have stated to the committee that, in 1872, prior to the election for governor, I was on the roll for two months, and drew pay for two months, for which I signed vouchers; that a jurat was attached to those vouchers, stating that I received pay for services rendered, which jurat I did not make oath to, and that the vouchers were for \$93, less two bits. I have also stated the amount I got in connection with the nominating convention for Mr. Dubuclet, for which Lipshuts signed a voucher of the same character as those that I signed in 1872 with a jurat attached. Then I have stated the \$75 I received, and also the several loans I have borrowed from Mr. Herwig. Mr. Herwig has always been a friend to me, and I have gone to him and asked him for money whenever I especially needed any. In 1876, this present year, I have drawn some money from the custom-house; this money in 1876 is borrowed money, for which I gave my individual note.

Q. How much is it for?—A. About \$30.

Q. When was it?—A. I could not tell you the exact date.

Q. Was it since this committee came to New Orleans?—A. Yesterday I borrowed \$5 from him.

Q. Did you borrow all of this \$30 that you have spoken of since this committee came on to New Orleans?—A. I could not tell whether it is all in that time or not.

Q. What is your best judgment about that?—A. I think that the \$30 is all borrowed since then.

Q. Where was that \$5 paid to you?—A. At the custom-house.

Q. What conversation did you have with him at that time?—A. I just told him that I was needing some money.

Q. Had you been subpoenaed?—A. No, sir.

Q. Did you give a note?—A. I did.

Q. What sums constituted the remainder of that \$30?—A. I do not know that there

was more than \$30. I represented to him that I needed some money, just as I did in 1875; I got \$5 at another time.

Q. When did you get that second \$5?—A. I could not tell you exactly the day.

Q. Have you borrowed more than \$5 at any one time out of that \$30?—A. I think I got \$20 at one time.

Q. You think of the \$30 \$20 was received at one time?—A. Yes, sir.

Q. And the remaining \$10 was in two installments of \$5 each?—A. Yes, sir.

Q. Did you give a note for the \$20?—A. I gave a note for the \$20, and for each \$5 separately.

Q. Are all these little notes you have referred to still outstanding?—A. Mr. Herwig kept them.

You have not taken them up?—A. Of course not; I had no money to take them up with.

Q. Have you had any conversation with him about the investigation that is now in progress here?—A. Something might have been said about it, pro and con.

Q. What do you remember to have been said about it between you and him?—A. There was nothing said about it in connection with borrowing this money.

Q. What conversation have you had with him upon that subject?—A. I have asked him this—I asked him what he thought the committee were going to do.

Q. Have you had any conversation with him upon that subject upon either of the occasions when you got money from him?—A. Yes; it was about that time.

Q. You say about that time; was it at the very occasion and at the time you received the money?—A. Yes, sir; it might have been the same interview.

Q. Is not that a fact?—A. Yes; because I have gone there frequently and sat down there and taken a drink and talked without getting any money.

Q. Did he give you an answer as to what he thought the committee were going to do?—A. If the committee should decide that that is relevant and should force me to answer, I will do so.

Q. If there is any matter that could be material as evidence before this committee, that would be; nothing could be more relevant.—A. He said he did not think the committee were going to do much.

Q. Did he give any reasons for entertaining that belief?—A. I do not think he assigned any specific reason.

Q. What else did he say? Do you give that as a summing up of what he said or as what he did say?—A. I suppose I just might as well tell you the truth just straight along. I told him this, that Mr. Lipshuts had gone and let his guts out. It was rather a vulgar expression I used to him. I stated that Lipshuts had gone and told about his signing the vouchers and my drawing this money, and he had gone around to one or two people and said he was going to write up an *exposé*.

Q. You are now stating what you said to Mr. Herwig?—A. I am stating how I thought Lipshuts had acted very improperly in the matter.

Q. Go ahead, now, and state it all.—A. I told him that Lipshuts had told a certain man (mentioning his name) every transaction he had had with him.

Q. What name did you mention?—A. The man to whom Lipshuts addressed his remarks.

Q. And what was that name?—A. It was a man by the name of W. L. Richardson; he is a newspaper-man. I could not tell you his given name. I know him by sight very well, but I do not really know what his name is.

Q. State what else you said to him.—A. I said that Lipshuts stated to Richardson, I thought, more than he ought to have stated. Of course I did not hear him tell him that.

Q. Bear in mind that you are telling the committee the conversation between you and Herwig.—A. Yes, sir. I told Mr. Herwig then that this man Lipshuts had gone and told everything of this transaction to him. Herwig asked me when. I told him it was about the time the legislature adjourned. I said he represented to me and to others that he had been discharged, and unless he was put back he would make an *exposé*. He stated in the same breath, at the same time and place, that his letter, published in the New Orleans newspaper, had removed Mr. Clinton from office, and he would also remove Mr. Herwig. I asked Mr. Herwig how it was, after this man had made such threats, that he should take him back into the custom-house and increase his wages. I do not know of any particular answer Mr. Herwig made to that, except that he looked upon him as being his friend.

Q. That is all you remember of the answer that he made?—A. That is all I remember of the answer he made, except possibly that he might have said that Lipshuts had acted imprudently, or something of that kind.

Q. Give us the rest of the conversation with Mr. Herwig?—A. I told Mr. Herwig that I thought he had better talk to Mr. Lipshuts—that Lipshuts talked too much. Mr. Herwig said he would, or something to that effect.

Q. Was there anything else in that conversation?—A. I think that is all of my conversation with him at that time.

Q. Have you had any conversation with him about that particular matter?—A. I believe the matter has been alluded to once or twice, but I do not remember exactly what was said. I think it was the same probably in substance, except that one additional thing was said, and Lipshuts said that himself, because he was present also then. At that time, they said that they understood one another.

By Mr. REILLY:

Q. Do you mean to say that Lipshuts and Herwig were together then?—A. Yes, sir; they were together, and it was Lipshuts who said that they understood one another.

By Mr. NEW:

Q. State all that you can remember that was further said in that conversation?—A. I do not know that I do remember what did transpire. I say I do not now remember any conversation particularly, because I have felt little interest in the matter, except in regard to what had occurred in the matter personal to myself. I asked him the question what had been done with the vouchers that I signed, and if my name appeared on the rolls for August, 1875. He sent and got the rolls and showed me that my name did not. I asked him what had become of those vouchers I had signed, and I told him that it had been hinted around and talked about that this committee would examine everybody before they left here, &c.; and I said, "I do not know what they may do."

Q. What else was said?—A. I do not remember that anything else was said at that conversation, but there might have been other things said since that. I do not remember, but I do not believe there has been.

Q. Have you seen him to speak to him at all since then?—A. Yes, sir.

Q. Did you talk about this matter in any of its phases, or about any of these matters that had transpired between you and him heretofore, or was any allusion made to any of these matters; and, if so, what?—A. I have seen him to-day.

Q. Where?—A. At the custom-house.

Q. How did you come to go there; did he send for you?—A. No, sir.

Q. Did any one tell you that he wanted to see you?—A. To-day? No, sir.

Q. Has any one, since this committee came to New Orleans, told you that he wanted to see you?—A. Yes, sir.

Q. Who was it?—A. Mr. Lipshuts.

Q. How often has he told you that?—A. I believe three times.

Q. Did he tell you so to-day?—A. No, sir.

Q. Did he yesterday?—A. No, sir.

Q. But he has told you so as many as three times?—A. Yes, sir; I do not think I have seen him since Friday.

Q. He has told you so three times since the committee commenced its investigation?—A. Yes, sir.

Q. Where did he meet you?—A. At the State-house, in Saint Louis street.

Q. Did he seem to come up after you in order to communicate this intelligence?—A. I could not tell that.

Q. Could you not judge from his manner whether that was the fact?—A. I do not really know. I could not swear that Mr. Herwig sent him there, and I could not swear that I believe that he sent him there either.

Q. But what were the circumstances under which he made his appearance?—A. The circumstances were that he had talked with me before that, and I told him I supposed Mr. Herwig had told him probably what I had said, and I told him myself I thought he was very imprudent; he said he wanted me to go and see Mr. Herwig.

Q. Is this Mr. Lipshuts in the habit of coming about the State-house?—A. At the time of proceedings of conventions, &c., or meetings of the legislature, you will always find him there.

Q. But for some weeks previous to the committee coming here, were you in the habit of seeing him there?—A. I very often see him there.

Q. For some weeks previous to the committee going there, had you seen him often?—A. I cannot say that I had.

Q. Do you remember seeing him at all there within that time?—A. I may have seen him; I certainly did see him within three weeks, because I think he was around there more regularly than that; I think that naturally he would walk around there more regularly than that. I do not remember, though; I would not say that I did see him or that he was there, but I think it is more than probable I did see him.

Q. When did you say you last saw Mr. Herwig?—A. To-day.

Q. What time to-day?—A. I saw him to-day about three o'clock.

Q. And you say that Lipshuts told you to go down and see him?—A. No, sir; not to-day.

Q. How did you happen to go to see him to-day?—A. I went there, as you might say, of my own accord.

Q. Did you talk anything about this committee when you went there?—A. No, sir.

Q. Nothing whatever?—A. I did not talk about this committee.

Q. Was not the subject of this investigation spoken of?—A. Yes, sir; it was spoken of.

Q. What was said?—A. I told him that he had better see a man.

Q. What man did you say he had better see?—A. I told him he had better see Mr. Richardson.

Q. Is that the Richardson of whom you have spoken a few minutes since?—A. Yes, sir.

Q. What else did you say?—A. I told him I thought it would be detrimental to his interests if that man came before this committee to testify.

Q. What answer did he make?—A. That was this morning; he told me to see Richardson.

Q. Did you see him?—A. I saw him.

Q. What conversation did you have with him when you saw him?—A. None in the world, except I told him that I wanted him to see Mr. Herwig.

Q. What answer did he make?—A. He said he had no objection to talking with Mr. Herwig or any one else.

Q. Do you know whether he did see Herwig or not?—A. I do not think he did.

Q. Did you see Herwig after that to-day?—A. I saw Mr. Herwig three different times to-day.

Q. When you first saw him after your interview with Richardson what conversation did you have with him?—A. Let me tell you all about it, so that you will not misunderstand me or I you. I went down there very early this morning to see him on that business, and I told him he had better see this man Richardson; I had some reasons for it. I told him if he did not he would have several parties brought on the stand, or something of that kind; he said, "Very well," and that he would do so. I told him it might be detrimental to his interests for Richardson to come before the committee. "Well," said he, "I will see him;" and he told me to bring him to the custom-house at four o'clock. I went and saw the man, and Richardson told me he would not see Herwig in Herwig's office; he said he had not been in a public office for eight months, and he would not go there, but if I would make arrangements for him to do so, he said he had no objection to seeing Herwig or anybody else; he said, "I am willing to meet Mr. Herwig outside, if Mr. Herwig wants to see me, but I am not going to meet him at his office." I went back and told Mr. Herwig that; that was about twelve o'clock. He then told me to come at three o'clock and he would designate the place where they should meet.

Q. Who said that?—A. Herwig. I went back at three o'clock, or five or ten minutes before, and he was just going to the bank, and he told me to wait until he came back. Then the shower came up, and I did not go back.

Q. Was that the last time you saw him to-day?—A. That is the last time I have seen him.

Q. Do you know whether there was an interview between Richardson and him?—A. I am morally certain that there was not, but I would not swear to that; they might have met at a dozen different corners.

Q. Herwig, then, did not fix a place?—A. He did not name any place to me.

Q. You did not wait until he returned from the bank?—A. No, sir.

Q. And you did not see him after that during the day?—A. That was about three o'clock—the time the shower came up.

Q. Did you see Richardson afterward?—A. I did.

Q. Did you have any further conversation with him about the matter?—A. I said to him, "Mr. Herwig is not on hand; I suppose it is on account of this rain; he has not returned from the bank." Richardson said that he was not over-anxious to see him anyhow; but as he had requested it, he had no objections to seeing him.

Q. Have you now detailed, so far as you remember, all the conversations that you have had with Mr. Herwig upon this subject?—A. I think that is about the substance of all of it.

Q. Has any other person than Mr. Herwig, in his interest and on his behalf, talked with you upon this subject since you have been subpoenaed?—A. I was not subpoenaed until I came up into this room a few minutes ago.

(Question repeated.)—A. Yes, sir; I consulted a lawyer.

Q. Upon your own motion?—A. On my own volition.

Q. Is there anything else you think of, that is material and pertinent to this matter, that you remember and that you have not detailed? And, if so, state it.—A. I think I have stated in substance about all.

Q. Do I understand that you do not remember anything else in substance?—A. This is like the dollars and cents part; I cannot remember it specifically.

Q. Can you remember any conversation you have had with Mr. Herwig, other than those you have named?—A. The same subject-matter might have been brought up at different interviews, but I think that is the substance of the whole of it.

Q. Can you fix your mind or recollection upon any other interview where you did talk upon these matters, other than what you have already named? If you can, whether it was substantially the same thing or not, let us have it.—A. I do not believe that I do.

Q. Have you had any conversation, other than what you have already named, with any other person than Mr. Herwig, representing him, or on his behalf?—A. None, except with this man Lipshuts.

By Mr. WOODBURN:

Q. What is your present occupation?—A. I am doing nothing at present.

Q. Have you any trade or occupation?—A. No, sir; I have not. I have been following nothing here, except that for the last two or three years I have occasionally been clerk or secretary of some committees in the house of representatives, or something of that kind; occasionally I had some writing to do.

Q. How long is it since you have been regularly employed?—A. It is four years.

By Mr. NEW:

Q. Had you finished your statement about the conversation that you had with Mr. Herwig when you inquired of him what had become of the vouchers that you had signed, and that purported to be sworn to by you?—A. I think that I mentioned to him at the time, probably, as I have stated, that it was rumored that the committee would make a most thorough examination, and summon almost everybody before it, and I told him I did not want to be in any awkward position; and I asked him what had become of the vouchers I had signed, and if they were sent to Washington. He sent for the roll for August, 1875, and showed me that the name did not appear on that roll.

Q. Did he make you any answer as to whether they had been sent to Washington?—A. He told me they had not been used.

Q. Have you now stated fully, as you believe, all that was then said upon that subject?—A. I think I have.

By Mr. WOODBURN:

Q. How much of your time have you devoted to any legitimate occupation since the campaign of 1874?—A. Hardly a quarter of it.

Q. Where do you reside now?—A. In New Orleans.

Q. How long have you resided here?—A. Since 1871.

Q. I understood you to say in your direct examination that you had been indicted in Grant Parish; what was that for?—A. I said I was under indictment, but I did not say where I was indicted.

Q. You lived in Grant Parish, didn't you?—A. Yes, sir; and I was indicted in Grant Parish.

Q. What place in Grant Parish?—A. At Colfax, Grant Parish.

Q. What were you indicted for?—A. I was indicted for illegal voting, for perjury, three or four times for carrying concealed weapons, for murder, and for most everything in the decalogue.

Q. Have those indictments been disposed of?—A. They have not.

Q. Has a *nolle prosequi* been entered in any of them?—A. No; none.

Q. They are all still pending?—A. They are still pending.

Q. Are any of those cases set for trial?—A. I have appeared and demanded trial four times on those charges.

Q. What was the reason you did not get a trial?—A. I was arrested, and I was charged with committing this murder in another section of Louisiana; I have all the data of all that at my house. I was charged before Judge Staes and the case dismissed.

Q. Was it dismissed on the ground that the court had no jurisdiction?—A. No, sir; but because no witnesses appeared. I asked Judge Staes to give this man ample time—that there was something at the bottom of it, and I would like to find out what it was.

Q. When were you subpoenaed before this committee?—A. It was just about four or five minutes before I came into this room.

Q. Did you give any information to any member of the committee, which led to your being subpoenaed, in reference to these transactions that you have detailed?—A. No, sir; a member of the committee asked me if I knew anything, and I told him that I did not.

Q. Do you know how you came to be subpoenaed?—A. I do not, except as you hear any rumor on the street; I heard that I would be subpoenaed.

Q. Did you come here this evening expecting to be subpoenaed?—A. I did not.

Q. When you interviewed Mr. Richardson and Mr. Herwig to-day, did you expect then to be subpoenaed?—A. I did not.

Q. Did you mention the fact of your being liable to be brought before this committee, to testify, to either of those men?—A. I did, and told them if I was subpoenaed that I would not come.

Q. You told them that you would disobey the subpoena?—A. I did not tell them that, intending any disrespect to the committee; I told them that I did not feel disposed to come, and I would keep out of the way.

Q. I understand from your testimony that Mr. Herwig, the deputy collector, having a large amount of State warrants, was interested in the campaign of 1874 in having

this man Dubuclet elected State treasurer?—A. I stated that that was what was told me; I do not know personally that he was interested.

Q. Did you believe the representations to be true?—A. I did, and do.

Q. You had that information from the person who asked you to go and see Mr. Herwig?—A. I had it from Mr. Lipshuts.

Q. You said that you received at your first interview the sum of \$88 or \$90?—A. I received \$90, for which Mr. Lipshuts signed a voucher.

Q. Do you know what led to the signing of the voucher by Mr. Lipshuts—why he signed it and not you?—A. He signed it for the reason stated at the time, as I supposed; I have told you just what was said.

Q. What is your judgment about it?—A. They said that the maximum of employes in the custom-house had been reached, and they could not put any more names on the roll, and so he signed for the money and I took it.

Q. Did you apply for a position in the custom-house at that time?—A. I cannot say that I did; I might have done so.

Q. Did you see the voucher when it was signed by Mr. Lipshuts?—A. I saw him sign a voucher.

Q. Did he sign it in his own name?—A. Lipshuts signed it in his own name.

Q. And he was then employed in the custom-house, was he not?—A. He was; I cannot swear that he was, but he represented to me that he was, and I believe he was.

Q. Did he tell you in what capacity he was employed there?—A. I think he was there as an inspector.

Q. What salary was he receiving per month?—A. I could not tell you.

Q. Do you know what salary inspectors were getting at that time?—A. I could not tell you.

Q. Did not they get per month just about the same amount you received from Mr. Herwig?—A. I think it was just about the same amount.

Q. Did you read the voucher?—A. No, I did not read it carefully; I think the voucher specified for \$93.

Q. You did not read the printing?—A. No, I did not read the printing. I think he was inspector; that is what he told me.

Q. Do you know whether the money given to you on that voucher was subsequently paid to Mr. Herwig by Mr. Lipshuts?—A. I do not; I know nothing about that.

Q. Did you ever have any conversation with Lipshuts on that point?—A. Yes, sir; I had this conversation about it with Mr. Lipshuts: At the adjournment of the last legislature, he came to me when he wanted to make this exposé, and he said he would make a witness of me and prove that I got his money.

Q. At that time did he say anything about being responsible to Mr. Herwig for the amount of his money that you received?—A. I do not think he did.

Q. Did you ask him anything about it?—A. I remarked to him, "You are a fool to make a fuss about it."

Q. Was not Mr. Lipshuts interested in the election of Mr. Dubuclet for State treasurer for the reason he wanted to use his influence to get him a place in the custom-house?—A. I think that they have been warm personal friends all the time.

Q. Was not that one of the objects why Lipshuts took such a deep interest in the election of Dubuclet?—A. That is not as he expressed it to me; he said Mr. Herwig was interested in a certain amount of State warrants.

Q. Did he expect anything in that election in case of the election of Dubuclet?—A. I do not recollect that he specifically stated that he did, either from Mr. Herwig or Mr. Dubuclet.

Q. You say that you got a check on the national bank, signed by Mr. Herwig, for that money?—A. That is the \$5 check that I received at one particular time; I positively asserted that I did receive a check on the national bank.

Q. Did not you receive a check when you got that \$90?—A. I think I received a check on Mr. Oglesby's national bank.

Q. How was that check signed?—A. P. F. Herwig, I think.

Q. Was it signed in his official capacity, or signed by him as an individual?—A. I think it was signed P. F. Herwig, but I do not remember now; I could not say, because I did not scrutinize that closely; I know "P. F. Herwig" was there, and it was made payable to W. B. Phillips, or order.

Q. You received that money for the purpose of going up into Grant Parish and using your influence for the election of Mr. Dubuclet?—A. No, sir; that was for my influence in the nominating convention, because it was generally known by those men that I would not go back to Grant Parish.

Q. When you received the \$75, who was the check signed by?—A. I could not say whether it was \$75, or what specific sum it was. I think it was something more or less than \$75, in all.

Q. How was the check signed on that occasion?—A. I think it was always signed the same way.

Q. Simply with the name of Mr. Herwig?—A. I think so, always.

Q. You are positive he did not sign it in his official capacity as deputy collector of the custom-house?—A. I would swear that his name was attached to it.

Q. Did you give him a voucher, or a simple receipt?—A. I signed simply a plain receipt.

Q. How did that receipt read?—A. Received of P. F. Herwig so much money; I could not tell you exactly the phraseology of the receipt.

Q. Was the consideration stated in the receipt?—A. I think it was for value received, but I am not sure of that, because I did not notice particularly; it was not a printed receipt.

Q. At that time was anything said by Mr. Herwig about your signing a Government voucher before you signed a simple receipt?—A. Not at all.

Q. Did he say anything to you then about the custom-house being full, and that he could not put on any more men?—A. That was the time Lipshuts signed this voucher for which I received \$90.

Q. But did he say it when you got these \$75?—A. That was all within two or three weeks.

Q. Did not such a conversation pass on the second occasion?—A. No such conversation occurred on the second occasion.

Q. What did he give the \$75 for, and what did he expect you to do in consideration for it?—A. It was to be used in Dubuclet's nomination.

Q. Did he say anything then about his having any interest in the election of this man as State treasurer?—A. He never did say to me that he had any interest in it.

Q. But he was anxious for Dubuclet's election?—A. He was very anxious for his election; I judged so from the manner he spoke to me.

Q. Was that all the money you received in that year of 1874?—A. I think that was all—that \$90 for which Lipshuts signed and this \$75; it is about \$200, more or less, taking it altogether.

Q. Are you sure you did not execute a promissory note, instead of a simple receipt, when you received the \$75?—A. I do not think I did.

Q. After you received the first \$90 did anything occur in the conversation between yourself, Herwig, and Lipshuts to induce you to believe that the money was to come from the Government, or, in other words, that the Government was to be defrauded by Mr. Herwig out of that sum of \$90 which he paid you?—A. I will state to you just what occurred, and you can draw your own inference. He stated that his reason for Lipshuts signing this voucher was that the maximum number of employes allowed to be employed by the custom-house was reached, and he could not employ others.

Q. Did that statement induce you to believe that Herwig intended to defraud the United States Government out of the money that he paid?—A. No, sir; I do not know that it did.

Q. Did it not strike you as strange that Lipshuts should sign that receipt, and that Mr. Herwig should make that statement?—A. It did not.

Q. Then you looked upon it as a perfectly legitimate and honest transaction so far as Herwig is concerned?—A. Yes; I have told you why I did.

Q. Is it the fact that you so regarded it?—A. I did so regard it. I would like to say further that my reason for saying so was because it has been customary here in all elections, if my memory serves me right, to put an additional number of men on the pay-roll of the Government.

Q. You mean just before the election?—A. Yes; just before the election.

Q. That has been the rule, so far as you know?—A. That has been the rule, so far as I know; I thought it a practice that custom had made law.

Q. Did you think it an honest transaction for a man to receive money for which he had rendered no service?—A. Well, that is a fine point; strictly speaking, it is not.

Q. But still, notwithstanding your belief upon that point, you took the money?—A. Yes, sir; I took the money.

Q. When you got the \$75 and signed the simple receipt, did anything occur in conversation between yourself and Mr. Herwig to indicate to you that he intended to defraud the Government out of the \$75, or make the Government pay it?—A. No; not at all.

Q. Did he not give you that money on his own individual account for the purpose of having you exert your influence in the election of this gentleman to the position of State treasurer?—A. I understood the reason for signing those receipts upon ordinary receipts to be, though I do not remember him to have said so, in order to enable him to settle up with Dubuclet, for whom he was acting as fiscal agent in his candidature as State treasurer.

Q. How many promissory notes did you sign upon the receipt of small amounts varying from five to ten dollars subsequently?—A. I do not know that in 1875 I signed any promissory notes, though I may have done so.

Q. I understood you to so state a little while ago.—A. I will tell you what I did sign—all I signed in 1876 was promissory notes.

Q. How many promissory notes did you sign in 1876?—A. I have signed no less than four that I remember of.

Q. Do you recollect what the contents of those notes were, or when they were made payable?—A. I think they were payable on demand, payable to order.

Q. When you executed the notes was there any understanding had between you and Mr. Herwig that the notes would never be presented for payment?—A. There was not.

Q. When you got the money and executed the notes, did you intend to pay Mr. Herwig the amounts you borrowed?—A. I did; and told him I would do so. I told him the first employment I got, or the first money I made, I would redeem those notes.

Q. You mean the notes of 1876?—A. These notes of 1876.

Q. For any moneys you have received since the execution of these four promissory notes, have you given him any voucher or receipt of any kind?—A. I have received no money since the signing of those notes.

Q. I understood you to say that you got \$5?—A. Yes, but I signed a promissory note for it.

Q. You executed a promissory note for \$5?—A. Yes, sir; I executed a promissory note for \$5.

Q. You have got \$30, as I understand you, in all since the committee came to New Orleans?—A. I did not state that positively. I said I thought so.

Q. Did you execute more than one promissory note for that \$30?—A. I executed three of them.

Q. Was there any understanding had, when you executed the last of those promissory notes, which induced you to believe that you were not to pay that money back?—A. In regard to those last notes I stated to him that I did not know that I had any prospect of paying that money now, but I told him the first money I could get I would do so.

Q. Was there anything said by Mr. Herwig which led you to believe that those small amounts of money were loaned to you for the purpose of keeping you away from testifying before this committee?—A. Not at all.

Q. Nothing of that kind was intimated?—A. Nothing of that kind was even insinuated.

Q. Did he ever tell you that you were not to testify to what you knew in case you were subpoenaed?—A. He did not.

Q. He never used any language to that effect?—A. He did not.

Q. From 1874 up to the present time how many vouchers did you sign in the custom-house?—A. Do you mean vouchers, or receipts?

Q. I am asking now about vouchers.—A. In August, 1875, I signed my name eight times.

Q. When you signed your name in that way eight times what did you sign for?—A. It was all in blank. I do not know what it was for. It was a printed form.

Q. Was there anything stated as to the capacity in which you were to earn that money in the custom-house?—A. I think the entire thing was in blank, except that there was printing on it. It was one of these ordinary forms with this jurat, with my own signature signed at the bottom.

Q. Was anything said by Mr. Herwig as to what he had inserted in the blank receipt, or as to how it should be filled up?—A. He did not tell me that.

Q. Did you yourself have any understanding in reference to what should be inserted?—A. I did not. He merely said to me that in examining his accounts he found that there was a balance coming to me of \$5.

Q. Up to the time that you signed those eight vouchers, how much money had you received and how many months elapsed between the time of the receipt of the first money and the time when you received these vouchers?—A. I did not receive one cent after the nominating convention for Mr. Dubuclet closed, up to that time.

Q. Mr. Lipshuts signed a voucher for your first payment of \$90?—A. That was in 1874, at Dubuclet's convention.

Q. And the \$75 you received in 1875?—A. No; that was received in 1874 also.

Q. What did you sign the eight vouchers for?—A. When I signed these vouchers, which were in blank, it was nearly nine months after Dubuclet's nomination. When Mr. Herwig sent for me through this man Lipshuts, or somebody else—I would not say it was Lipshuts—the man said he wanted to see me. I went down, and Herwig said, in examining my accounts, "I find that there are \$5 due you." I thought that to be very singular. Herwig said, further, "You sign these vouchers." He handed me a check dated on the 6th of March. This happened on the 8th of March. I took the minute of that myself.

Q. There was nothing said about the amount of money that these vouchers were intended to represent?—A. I do not know what these vouchers represent.

Q. Did not you ask why you were required to sign so many of them?—A. I did not ask any questions.

Q. If it had been the understanding between you and Herwig that you were to be put on the pay-roll of the Government as an employé in the custom-house, you would have been entitled to several hundred dollars more than you did receive?—A. I could tell you that if I knew to what position he assigned me.

Q. Ninety dollars was the pay that an inspector was then getting?—A. I believe a night-inspector got \$90 a month.

Q. The amount that you received at the first payment?—A. At the time that Lipshuts signed the voucher I received \$90.

Q. If there had been any understanding between you and Herwig that you were to be put on the pay-roll, or that the Government was in that way to be defrauded, would you not have been entitled to several hundred dollars more than you received? For instance, would you not have been entitled to \$600 if nine months had elapsed from the time of that first payment?—A. If you mean to suppose that I had remained on the pay-roll for that nine months, of course it would have been considerably more.

Q. Tell us why Mr. Herwig made the remark that he owed you a balance of \$5.—A. I could not tell you that.

Q. That statement surprised you?—A. It surprised me.

Q. You had no idea that he owed you a cent?—A. I had no idea of it.

Q. When you took the \$5, didn't you say something about it?—A. Not until I got outside, and then I spoke to some friends about it.

Q. You did not know what you were signing?—A. I knew it was a blank; I knew it was a voucher.

Q. But you cannot swear that it was a blank or such a voucher as employés in the custom-house signed?—A. I could not swear to that.

Q. In your recent conversation with Mr. Herwig, has anything been said in reference to those vouchers?—A. Yes, sir; I asked him about them.

Q. What did he say about that?—A. I asked him what had been done with those vouchers; I told him that I had heard that this committee were going to make a thorough examination and examine nearly everybody; I asked him what was done with those vouchers that I had signed; I said, "Does my name appear on this roll for August, 1875?" It was August, 1875, that I signed these blanks. He sent out and had brought in a list of names; he looked at them and said, "Your name does not appear." I then said, "Those were not used." He said, "No, they were not used."

Q. He said "Your name does not appear?"—A. He said my name did not appear. I asked him then if they were sent to Washington, and he said that they had not been.

Q. What inference did you draw from the statement of Mr. Herwig; did you infer that he was individually responsible for that payment or had paid money out of his own pocket, and that it had not come out of the Government?—A. That was the only inference; he said he had not used the vouchers.

Q. In reference to the transactions of 1872, state again how much money you received from Mr. Herwig before the election.—A. I could not thoroughly tell you the whole of it; I received two months' pay. Mr. Herwig is the man that promised to keep me on the pay-roll, and he told me he would go and see to it and attend to it himself.

Q. How much money did you receive?—A. I received \$93, less two bits, for two months' pay.

By Mr. NEW:

Q. Explain why that two bits was deducted.—A. That was for the man attaching the jurat; it might have been four bits; it was two bits or four bits.

By Mr. WOODBURN:

Q. Do you mean \$93, less two bits, for each month?—A. Yes, sir; that was for each month.

Q. Was that all you received up to 1874?—A. Yes, sir; I think that was every cent.

Q. At that time you signed a voucher?—A. I signed a regular voucher, to which there was a jurat attached.

Q. Did you receive a check for the money, or did you receive greenbacks?—A. I think I received a check for the money.

Q. How was the first check signed?—A. They were all signed alike.

Q. In what way was that?—A. P. F. Herwig.

Q. Was his official capacity mentioned in it?—A. I could not say whether it had deputy collector, or cashier, or what.

Q. Your judgment was, however, that it was simply signed with his name?—A. With P. F. Herwig simply.

Q. Was the second signed in the same way?—A. I think they were all signed alike.

Q. When you received the first check, did it strike you as a suspicious circumstance when you signed the voucher, or did you think that there was something wrong, and that Mr. Herwig intended to cheat the Government out of the \$90, less the two bits, he paid you?—A. I did not, because I looked upon it as an old custom in the country.

Q. Had you applied for any work in the custom-house at that particular time?—A. I had been trying to get work, off and on, for some time.

Q. Had you rendered any work or labor of any kind that month in the custom-house?—A. No, sir.

Q. What conversation occurred between you and Mr. Herwig when you signed the first voucher in 1872?—A. I told him that Mr. Kellogg had agreed to keep me on the rolls until he was inaugurated governor, and I was to work and canvass around.

Q. What did he say when you said that Mr. Kellogg was desirous of retaining you on the pay-roll?—A. He seemed to be satisfied.

Q. Did you ask Mr. Herwig in reference to what became of those vouchers when you were talking with him about this investigating committee, as well as in regard to the vouchers you signed in 1875?—A. I spoke about them, but it seemed to be in regular form, and I did not attach so much importance to them as I did to the others.

Q. Did he say that they were sent to Washington?—A. I do not remember now that he said anything about those.

Q. What did he say when you spoke about them?—A. I do not remember that he made any remark specially about those of 1872, but he did in regard to those of 1875.

Q. Did not you expect when you were called on to testify that you would have to testify in relation to the transactions of 1872 between you and Mr. Herwig?—A. I supposed naturally that if you got me here you would make me tell the whole of it.

Q. Was it not very natural for you to talk about those vouchers of 1872, as well as about those of 1875?—A. No, sir; they looked to be in form, and to have some legitimate shape about them.

By Mr. NEW:

Q. If I understand you, you do not pretend to be able to remember whether, when Mr. Herwig signed his name, he signed it officially or not?—A. No, sir, I could not swear to that.

Q. You have no recollection upon that point, one way or the other?—A. During the same transaction I saw a great many of his checks. At a glance, almost, I would know his signature, even if I was across on the other side of the street.

Q. But you have no recollection of looking at the check or checks that he gave you to ascertain with reference to whether they were signed officially or not?—A. I could not say that they were; they may have been, but I never noticed that.

Q. You do not remember how that was?—A. I could not swear to that, because I may have noticed it, or may not have noticed it; I do not remember to have noticed it.

Q. If I am not mistaken, you stated that you did not at any of the times that you received money from Mr. Herwig since the sitting of this committee say to him, or intimate to him, or give him to understand, that you would not appear before this committee on account of the money that he was letting you have?—A. I do not know that I said that to Mr. Woodburn. He asked me what Mr. Herwig said. I did not say to him what I had said to Mr. Herwig.

Q. Is it not the fact that at least one of those conversations you did say to him that if you were served with a process you would keep away?—A. I did state to him that I did not intend to come before the committee.

Q. And that was upon one of the occasions on which you received money from him since the committee came here?—A. It was not; no, sir. It was distinctly disclaimed that such was my motive in causing him to loan me this money, and as an evidence of that I may say that he had loaned me money before he had ever heard of this committee coming here.

Q. Do I understand you to say that it was understood and expressed between you and Herwig that the money he let you have was not to be considered as furnished for the purpose of keeping you away?—A. There was nothing said about keeping me away except what I said myself.

Q. When was it that you said what you said?—A. It came up in conversation about this man Lipshuts. When I said Lipshuts was telling everything he knew, and was talking too much, I said it would be the means of bringing me and others before the committee; and I said, further, "I have very little confidence in investigating committees, anyway, and I am not going before that committee." That is what I told him. He gave me no money in consideration of that. It was a very small amount he let me have, anyway. I might mention further one remark that was explanatory of that matter, to show that he did not mean anything of that kind; at least, I do not think he did; and if he did, he did not say so to me. I asked him if he had given any money, any check, to any person who had been inveigled afterward into a gambling-house, and had deposited the check there. And I added, "I understood that you gave the man the money to leave town." He said, "I am going to give no man money to leave town."

Q. This statement that you made to the effect that you were not coming before the committee was made since the committee came here?—A. It was made since the committee came here.

Q. You may, if you desire to do so, state the facts as you understand them to be, about these indictments pending against you.—A. I will have to go back some little distance. I came here in 1865. I was born in Alabama. I knew several families in Rapides Parish, the Flints and the Calverts among others. I went to Rapides Parish with the Calverts. I was also very intimate with the Wynne family, and I knew the Cahoon family from reputation. I found that these people were out in Texas, and so I came back to Alexandria in 1865. I was appointed there deputy clerk of the court by John Hickman, who is an old resident of that place. I was there a long time, and was studying law under T. C. Manning, an old and very prominent member of the bar there. Then I went to Cahoon's place. While I was reading law a new phase in political matters seemed to excite everybody up there, and I took part, as I conceived that course to be for the best interests of the country, with the republican party. They went in and selected their delegates, who came down here, and then we started the idea of having a new parish up there, and splitting up the parish of Rapides into two. We did so, taking all the territory on the right bank of the river to form the parish of Grant, and locating the parish-seat at the mouth of the Cain River. I supposed from the interest I manifested in that, they conceived the idea that I would not be a bad man to fill the position of parish judge, and they gave me that position. I held that position during the years 1869, 1870, and 1871, being appointed first in 1869. In the spring of 1870 I was removed by Governor Warmoth. In the fall of 1870 I was elected, by 390 or 396 majority, judge again, and was recommissioned by him. Everything went on smooth and nice, and, as I thought, homogeneous. I thought the people were satisfied, and in fact I flattered myself that I was making more friends than any man in the country. It is generally known that in 1871 I was burned out there, and that my friend Delos White was murdered, and so forth. At that time I was parish judge, which paid me only a small salary. I had received advances from Mr. Nevin for \$3,000, and \$1,700 from R. T. Buckner. I had commenced farming; the first year I shipped seventy-five bales of cotton. Then I was also keeping a wood-yard. I treated the people all alike, no matter how I differed from them politically. I said, "When it comes to a question of hospitality and honor I will always do you justice," and as I thought they recognized that I was sincere in that statement, and I did not know that there was a hostile feeling until the time I was burned out. I will say to the committee that facts have developed themselves since that satisfied me that it was not my political adversaries altogether that did the deed; it was a mixed party who did it. I will state to the committee another circumstance connected with that tragedy. A certain party, who is very prominent now, some short time before the fire and the killing of White—my own escape from being murdered was almost a miracle—insured my life in the North American Life-Insurance office. That policy has since been transferred to me, and I have it in my possession. It was one of my political friends that had my life insured. That tragedy occurred on the 25th of September, 1871. I left there the same day. A short time afterward I came to the city here, but I went back in the following April and remained there about two or three weeks. I then came down to the city again, and I have not since been there. I should make a prefatory remark, by stating to the committee that in 1868, in the interests of the Cahoon estate, I was running the Wells plantation. I was ordered off of it by five men, and I came to the United States court and sued for \$5,000 damages. On my way up there these men locked me up in an iron jail for fourteen days, and three marshals took me out of jail and brought me to the city. I instituted civil and criminal process against these men, and obtained a jury judgment against them. This burning occurred, of course, subsequently to that time. I have not been up to Colfax since what is called the Colfax massacre, to reside there any length of time. In 1874 I went back to Grant Parish, some four weeks prior to the closing of the registration. I never had registered in any parish in Louisiana since 1870, and the last place of registration where I had registered was Grant Parish. I considered that, under the law, Grant Parish was my domicile until I had filed a declaration to make myself a citizen of some other parish. When, after my going back there, I swore that I was a citizen of the parish, they indicted me for perjury, although I had never registered in any other parish of the State except that. That was the indictment for perjury now pending against me. Predicated on that fact an indictment for illegal voting was found against me; for if I had no right of registration, of course, I had no right to vote. Then they found about five or six other indictments for carrying concealed weapons. All the witnesses in all the indictments were the same; that is, the same names appear in the sworn statements. I will say this in regard to the murder of Waters: Waters was charged by me, from information received, in an affidavit which is on file in the United States court, as being a party in the murder of Delos White, and the burning of my house in 1871. He left that parish in 1871 and went to Texas. In 1874, when these parties went up there, they carried a warrant for the arrest of Waters, as we heard that he was there. I was managing the election-machinery around the town, &c., but never went out with the soldiers. They went out looking for these men. I think there were warrants issued for about one hundred persons.

I staid in camp all the time. The case against Waters was a case of old standing, in which he was charged by me with being implicated in the tragedy of 1871. They went to Waters's house and arrested him, and they brought him down to Colfax, and he was placed in charge of Company B. I was with Company K, of the United States cavalry, Lieutenant Godfrey commanding. Company B kept in custody and guarded this man Waters all the time. They were waiting to catch some other prisoners before they would send him down. While they had him there he made his escape. No particular remark was made about it, and no foul play was suspected for three or four weeks. After we had left there, which was about the 21st of November, and came down here, I made a proposition to the democrat who had been running for the house of representatives in Grant Parish, as I thought a great deal of treachery had been perpetrated against me. The proposition I made to him was this: that if he would come in and be one of us, and be in harmony and conjunction with the party, I would use my influence to get him seated over the republican, who, as I conceived, was not elected. The name of the republican was Ward. I wrote that letter to the democrat, but he did not make any reply, except a verbal reply, to me to the effect that it was all right. I told him that was not the way to place himself on record, for he had my letter, and he should give me a similar reply. He said no; that was not necessary at all. Then I said, "If you won't do that you won't get your place." He said, "Well, all right; we will make a fight for it?" Just at the time that the legislature was about assembling, or rather just at the time that the State board were examining these official returns, and so forth, a man whose name I have at my room, though I cannot recollect it at this moment, made an affidavit that in the parish of Rapides I murdered this man Waters. My name was not attached to the warrant of arrest, but there was a captain of police here that knew me very well, and he met me at the State-house and he said, "Judge, there is a man here after you; you are the only parish judge of Grant Parish here, and you had better go down and fix that matter up." I said, "He is not going to arrest me, surely?" He said, "I have seen it myself." I said, "That is all right; I suppose it must be me, although there is no name in the warrant, because I am the only judge of Grant Parish here." I went down to Judge Staes. There was a lawyer with a red moustache who appeared for the prosecution; I do not know who he was; he stated that they must send me to jail, and that it was not aailable case. I explained the thing to Judge Staes, and he said, "I will admit you to bail in \$2,000." I told Judge Staes to give them full time to produce their witnesses. I told him I thought it was an effort against me. He did not say he would do it, but he did by giving them fourteen days to put in an answer and to produce any witnesses or testimony they had. The fourteen days came round and no one appeared; so the judge dismissed the case. Then, things went on until in our political complications I had some difficulties with some members of the house of representatives. I presented a bill, or rather I addressed a letter making specific charges against nine members of the house of representatives for bribery, and they were indicted by the grand jury in the city of New Orleans. The night before the next session of the legislature, which occurred the same year, I was invited out to take a cigar and a drink from the Saint Louis Hotel, and I was knocked down. That did not do me any good, but rather incensed me. It did not make me disposed to reconciliation at all, and I proceeded against these men, and went to Grant Parish. I was kidnaped in New Orleans on a charge of illegal voting at the corner of Canal street by a man of the name of McKnight. I have the affidavits that these men furnished the money for that, that is, I have one or two affidavits of that kind on file in Point Coupée. When I went up to Grant Parish, I was told by a prominent lawyer of Alexandria, who got aboard, that he would defend me for \$300; he said he knew the whole conspiracy. At that time the indictments against me had not been found. He said, "They are going to find five or six indictments against you, and it is their purpose to make away with you." I told him I did not have the \$300; and he said, "Well, I cannot defend you, then." I found everything to be just as he had said. I can establish that these men paid for my being carried away from the city five hundred miles, and I was told in court, in Grant Parish, when Mr. Hunter, the district attorney, was present, that Sheldon and myself would be indicted for the murder of Waters. I asked, "Is that true?" and they said "Yes." I then got up and said, "I have been reliably informed that the grand jury, notwithstanding the fact that no witnesses have been heard or have been subpoenaed for the State, are going to bring in an indictment against me for murder," and I added, "We will surrender ourselves in anticipation of that, inasmuch as we have been told truthfully so far in regard to all the other indictments this grand jury have found." In that way I surrendered myself to the court, and announced myself as ready for trial. The district attorney himself got up and demanded that the court adjourn, and so did eight or ten lawyers who were with him. I said then that the purpose of the indictment was only to incarcerate me, as murder was aailable offense. When I found out the court was going to adjourn, and would adjourn, I left there that night, and came to the city of New Orleans, and presented this matter to the assistant attorney-general of the State.

Q. All the indictments found against you had been found before that time, had they not?—A. No; they have all since been found.

By Mr. WOODBURN:

Q. Were they all found by the same grand jury?—A. Yes, sir.

Q. All the indictments, whether for carrying concealed weapons, murder, perjury, false registration, or illegal voting?—A. Not all; one indictment for carrying concealed weapons was found against me by a former grand jury.

Q. At the time these indictments were found, you were acting with the republican party?—A. Yes, sir; and I am acting with it now.

Q. Was the republican party in the majority in the county in which you were indicted?—A. It was.

Q. Were you acquainted with the men who composed the grand jury?—A. I knew several.

Q. Were they property-holders and men of standing in that community?—A. No, sir.

Q. What was the character of the men who composed the grand jury?—A. They were, to say the least of it, very warm partisans; the negro men that were on there were illiterate, and did not know anything.

Q. The colored men on the grand jury knew that you were a republican?—A. I guess they did.

Q. Were there any democrats on that grand jury?—A. Yes, sir.

Q. How many?—A. Four or five.

Q. How many composed the grand jury?—A. There were twelve.

Q. How many, under the laws of Louisiana, does it take to find an indictment, if you know?—A. I think a majority of the twelve can find a bill, but I do not swear to that.

Q. Do you know whether the republicans on that grand jury were personally hostile to you?—A. They were not.

Q. They were your friends?—A. Yes, sir; because they have come to me and told me so since; indeed, they told me so since the grand jury adjourned.

Q. Why did they find a bill against you then?—A. Because they were afraid to do otherwise.

Q. Why do you say that, if the republican party were in the majority?—A. The republican party might be in a majority, and still there are certain circumstances in which those men were intimidated.

Q. Your statement is that those men perjured themselves in finding that bill?—A. I state that there were no grounds for finding it, or even grounds for a suspicion against me.

Q. Were the names of the witnesses on the back of the indictment?—A. They were; and they were all in court.

Q. You received a copy of the indictment?—A. I did.

Q. How many witnesses were on the back of the indictment?—A. There were some six or seven.

Q. Were they democrats or republicans?—A. Some of them were men I did not know. There was only one man whose name was on the indictment who affiliated with the republican party.

Q. You never had any difficulty with any of those witnesses?—A. Yes, sir; one of them was a personal enemy of mine.

Q. Did you know the men who were the witnesses in the perjury case?—A. In the perjury case some of the witnesses were the clerks of registration. The indictment was based on the ground that I had to be up there a certain time before the registration closed.

By Mr. VANCE:

Q. How many men do you say it takes to form a grand jury in the State of Louisiana?—A. In the United States court it is either sixteen or twenty-four, but in the State courts I think it is only twelve.

Q. Does it not take sixteen to form a grand jury and twelve to find an indictment?—A. It may be so; I was never before a grand jury.

By Mr. NEW:

Q. Have you been arrested under any of these indictments?—A. Yes, sir; that is, I surrendered myself in court.

By Mr. REILLY:

Q. Look at that paper, [showing a pay-roll,] and see whether there is any resemblance between that and the documents you signed, except in regard to writing?—A. I think that is very nearly the same paper that I signed, except that when I signed the papers were not separated; they were attached together.

Mr. REILLY. Perhaps it would be well to introduce at this point a blank pay-roll. It is as follows;

[Collectors' accounts, No. 51.]

The United States to ———, Dr.

For my services as ——— from the ——— day of ———, 187—, to the ——— day of ———, 187—, inclusive, at the rate of \$—— per ———.

\$——
 ——
 \$——

Received from ———, collector of the customs for the district of ———, on the ——— day of ———, 187—, the sum of ——— dollars ——— cents, being in full for my compensation for the period above stated, having signed duplicate receipts for the same.

I, ———, in the district of ———, do certify on ———, that I have performed the services stated in the above account, and that I have received the full sum therein charged to my own use and benefit, and that I have not paid, deposited, or assigned, nor contracted to pay, deposit, or assign, any part of such compensation to the use of any other person; nor in any way, directly or indirectly, paid or given, nor contracted to pay or give, any reward or compensation for my office or employment, or the emoluments thereof.

I further ———, that, during the above period, neither I nor any member of my family have received, either personally or by the intervention of another party, any money or compensation of any description whatever, nor any promises for the same, either directly or indirectly, for services rendered or to be rendered, or acts performed, or to be performed, in connection with the customs or internal revenue; nor purchased, for like services or acts, from any importer, manufacturer, consignee, agent, or custom-house broker, or other person whomsoever, any goods, wares, or merchandise, at less than regular retail market-prices therefor. So help me God.

Sworn and subscribed before me, this ——— day of ———, 187—.

———, *Collector.*

Q. You see where the space is for the signature; did you sign the papers at that place?—A. Yes, sir.

Q. Your best judgment, then, from the circumstances is that this is the same kind of a paper?—A. It is the same—the same form. I will not swear that it was the same form, but it appears so.

Q. Is the heading the same?—A. The heading is the same, and all appears to be the same.

Q. And the style of type?—A. It appears to be the same in every way, except that another sheet was attached to it like this; they were folded up together like a sheet of letter-paper.

By Mr. CONGER:

Q. Did you get the cash on these checks that Mr. Herwig signed for you?—A. I did.

Q. Where?—A. They were all cashed in his office excepting one. The first \$5 check was cashed at the bank, but the others were cashed in his office.

Q. Was the \$90 check cashed at the bank?—A. I think the \$90 check was cashed at the bank.

Q. What bank?—A. The National Bank, I think; it is Mr. Oglesby's bank.

Q. Is he president of that bank?—A. I could not tell you that, because I do not know that I inquired; it was a national bank.

Q. Is there more than one national bank in New Orleans?—A. I only know where this bank is.

Q. Where is it exactly?—A. It is between Saint Charles and Camp streets, on Common—either on Common or Gravier.

Q. Was that the \$90 check you took there?—A. I think so, but I could not say whether I took that check there or not.

Q. I am talking about the check that you got when Lipschuts signed the voucher.—A. I could not say positively; I have the dates of all those. You must remember that I have been brought up here very unexpectedly.

Q. Cannot you remember where you went to get your money?—A. I do not. I remember I got the money.

Q. Where did you get the \$75 cashed?—A. I could not say that I got a check for \$75.

Q. When you got \$75 you got a check, as you said before?—A. I said that during the time of the nominating convention, when I drew this \$90 to which you have referred, I received altogether \$200, more or less. I cannot say that I was paid any check for \$75 or anything of that kind.

Q. But you got about \$75, you said, more or less?—A. I got \$200 more or less.

Q. But where did you get the money for this second payment?—A. I gave an individual receipt for it.

Q. What bank did you go to to get the money on that check?—A. It was this same national bank, I think; I do not remember.

Q. Did you ever take a check and draw your money at the custom-house from the cashier of the custom-house?—A. I believe I did once. I could not tell you exactly what sum that was. I believe I got a small check cashed there once.

Q. How much was that for?—A. I could not tell you. That would not have occurred to me unless you had called my attention to it. I came out of Mr. Herwig's door and went right back to the cashier. I believe that check was for a small amount—\$25, I think. I do not remember about it exactly.

Q. You have not told us about any \$25 before.—A. I have not specified before any specific amount for which a check was drawn except the \$90.

Q. The first time that you went to Mr. Herwig with Lipshuts and agreed to help Dubuclet, did not Mr. Herwig give you \$15 in money?—A. Yes, sir; and I include that when I say I got \$200, more or less.

Q. Then you now say there was another \$25 besides the \$90 and the \$75?—A. I say he gave me \$200, more or less, during the time of that nominating convention in 1874.

Q. You have accounted for \$90, and \$75, and \$15, which makes in all only \$180.—A. I cannot tell you the specific amounts for which each draft or for which each sum of money was given. You are correct in saying that he gave me \$15 at one time.

Q. Was not that \$15 paid you in money without any check?—A. I think that was paid me in money.

Q. Was not Lipshuts present when you got that \$15?—A. Yes, I believe he was. That was in addition to the \$90 he assigned to me. That \$15 is included in the \$200, which I said that I got, more or less. For the remainder he gave me checks, but I cannot remember the exact amounts.

Q. But you know that you went to the bank and got the money for the two large ones?—A. I could not say positively. I think so. If my memory serves me right, I went to the national bank and got those checks paid.

By Mr. NEW:

Q. I thought you said in your examination-in-chief that the only check that you went to the bank with was the \$5 check?—A. You must have misunderstood me, because I went to the bank with nearly all the checks except the two or three last checks which were paid at the custom-house, and there might also have been a check of \$25 or \$30 paid by the cashier in the custom-house.

NEW ORLEANS, June 13, 1876.

WILLIAM MARTIN AIKMAN sworn and examined.

By Mr. REILLY:

Question. State what position you hold in the custom-house.—Answer. I hold the position of auditor at the present time.

Q. State whether there is an account kept showing the amount of money received for the construction of public buildings and the disbursements of the same.—A. We have such an account here.

Q. Does the keeping of that account come within the range of your duties?—A. Not exactly in the range of my duties; it is under my superintendence; sometimes there is a clerk under me; if there is not, I have to do it myself.

Q. Are you familiar with the accounts?—A. Yes; I am tolerably familiar with them.

Q. Please examine the accounts and state to us the amount of money that has been received from the Treasury for each year in that account.—A. It will take me some time to do that.

Q. In what manner are the disbursements made?—A. They are made on certified vouchers issued by the superintendent.

Q. You mean the superintendent of public buildings?—A. The superintendent of construction.

Q. What is the name of the superintendent?—A. It was Col. F. B. Morse up to three months ago; I do not remember exactly the time when he left. Mr. Gibson, jr., is the superintendent now.

Q. Have you got a pay-roll of the employes who were paid in this construction department for the years 1873 and 1874?—A. Yes, sir; I have those, except such as are in the grand-jury room; those were taken from my office. I do not remember exactly what was taken over there.

Q. I will ask you to produce a statement showing the amount of money that has been received from the Treasury and charged upon your books, to be applied to the construction department, and showing the amount expended on it; and also, to bring the pay-roll of the employes in that department.—A. Those requisitions must be given on the authority of the collector. The collector must furnish me with instructions to give them. I am simply auditor and clerk, and I have no authority to bring anything except through the authority of the collector.

NEW ORLEANS, June 13, 1876.

JOHN UEBER sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. No. 658 North Rampart street, New Orleans.

Q. Did you ever sign any pay-rolls or vouchers in the custom-house?—A. I signed a certain paper, but I really could not say what it was.

Q. Did you ever get any money when you signed?—A. I did, sir.

Q. How came you to sign that paper? Were you employed by the Government in any way?—A. Not exactly.

Q. State how you were employed, if at all.—A. I think in the latter part of 1869 I was sent for by Mr. Sypher and Governor Warmoth, and was requested by the gentlemen to run for representative of the Ninth ward. I declined taking any position which would take me out of my employment. I said if I could get anything that I could attend to outside of my business I should be glad to have it, because I had a large family to support.

Q. What was your business?—A. Teaching school.

Q. That occupied you how many hours a day?—A. Five hours a day. Upon this General Sypher said, "I will fix that all right for you; I will get you something to do by which you can earn something outside of your school hours." After that I waited to receive whatever appointment was to be made, or whatever business I could attend to, but I have not been called upon to perform any service. After a while I received notice that I could come to the custom-house.

Q. How long after this conversation?—A. I think about three or four months after; I am not quite certain.

Q. What month was it?—A. I think it was about February or March, 1870; I am not quite sure. The other interview took place before. I was shown into Mr. Herwig's room, and there I was requested to sign certain documents. I must say I did not read them through; I thought they were all right; my impression was that it was campaign money, and that out of that something would be given to me. I signed the papers, whatever they were, and thereupon I received one hundred and some odd dollars. This was all the connection I had with the affair.

Q. Did you ever get any more after that?—A. No, sir; I never did.

Q. Was there a campaign going on then?—A. The campaign was going on from the time of the first interview until the time I received the money. That was the election of 1870, I think, where the city administration had been inaugurated about six months before the present government—the bureau system. I had been well satisfied with the administration of the previous six months, and I was very much in favor of continuing these gentlemen in office.

Q. In what month did that occur?—A. Really, I cannot exactly remember that, but I think it was in the latter part of 1869.

Q. What candidates were running in that canvass?—A. Mayor Flanders, Mr. Bonzano, and the whole previous administration ticket.

Q. Were they candidates for office at that time?—A. Yes, sir; the bureau system had been inaugurated six months. This election was to have taken place for these gentlemen, and I was very much in favor of them, as they had worked well up to the time of the new campaign that was to have been.

Q. What Sypher was it that came to see you?—A. I think it was J. Hale Sypher, M. C.

Q. What service had you rendered for this money?—A. I had rendered none to the Government that I know of.

Q. Did you render any to the party?—A. If they considered it so; I do not know.

Q. You do not know what you did?—A. Yes, sir; I know what I did; I attended various meetings.

Q. Do you recollect the kind of paper you signed?—A. No, sir; I could not tell.

Q. Did you know what it was when you signed?—A. It was an impression in my

mind that it was some document to certify for these gentlemen that they had expended the money which had been intrusted to them in some shape or form; that it was to get the proper voucher for money. I do not know whether it was United States money or not.

Q. Can you not recollect what sort of a paper it was that you did sign?—A. No; I really could not.

Q. Do you recollect whether it had anything printed on it?—A. O, I think it had.

Q. Did it have the words "United States" on it?—A. I could not tell; I think so, but I could not assert it positively.

By Mr. CONGER:

Q. Do you remember exactly the amount of money that was paid you?—A. I do not remember exactly, but I think it was one hundred and some odd dollars.

Q. Was it paid you in bills?—A. Yes, sir.

Q. Dollar-bills?—A. I do not think there were any dollar-bills.

Q. Were you paid in bank-bills?—A. In bank-bills.

Q. Who handed you the money?—A. I think it was Mr. Herwig.

Q. Which Herwig?—A. That I could not tell because I was not sufficiently acquainted with the gentlemen.

Q. You have seen him since; which Herwig was it?—A. I really could not tell, because I do not know the initials of his name.

Q. Was it the one that was State senator?—A. I think not.

Q. Was it the one that lives at Baton Rouge?—A. He was employed at the custom-house; that is all I can say.

Q. Where did he get the money that he handed you? Did he take it from his pocket?—A. I cannot say.

Q. What did he do or say when he gave it to you?—A. He handed me the money, but I do not remember where he took it from.

Q. Did he count it out?—A. Yes, sir.

Q. Were you in his private room?—A. I entered the room, I think, through Collector Casey's room.

Q. Who was with you when it was paid?—A. No one.

Q. You understood that it was campaign money that he was paying you?—A. That was my impression.

Q. Did you see anything to make you doubt it afterward?—A. Well, really I did not investigate the thing.

Q. Have you any reason now to suppose that you were not paid out of campaign money?—A. I see now that it was not campaign money.

Q. How do you know that? Have you had any conversation with the members of the democratic committee in this city that are getting up testimony for us?—A. No, I have never conversed with a single soul about it.

Q. How did you happen to come here?—A. I was brought here by process.

Q. With whom have you talked about this subject?—A. I have never communicated with anybody in regard to it.

Q. With nobody at all?—A. With no one to my knowledge.

Q. How did the committee learn that you knew anything about it?—A. I suppose you found the name on some paper.

Q. Who told you that it was not campaign money?—A. No one ever told me.

Q. What makes you think that it was not?—A. Simply because it turns out not to be campaign money.

Q. Who says so?—A. My name would not be here if it was campaign money.

Q. Who says it was not campaign money?—A. No one has said so.

Q. You thought it was campaign money when you got it?—A. I thought it was in part.

Q. You said you supposed it was paid out of campaign money; now what has occurred to make you think differently?—A. As I have stated already, simply because my name is called up here, and that is the only reason.

Q. Because you are a witness here?—A. Yes, sir.

Q. When you got this money you thought it was honorable for you to take it, or did you think you were doing some rascally thing?—A. I did not think I was doing anything particularly wrong.

Q. If it was campaign money you were not doing anything wrong, were you?—A. I do not know. I think I had spent a good part of my time, and as is generally the case in all parties, there is often money given out.

Q. And properly given out?—A. Properly or improperly, it is given out.

Q. I mean money received for campaign purposes is properly paid to those who help to carry the campaign?—A. That is what I mean.

Q. If it was Government money which you were receiving without service being rendered therefor, you knew that that was wrong, did you not?—A. I would have suspected that it was not all right.

Q. I am not talking about what you would have suspected. Are you a school-teacher?—A. I am.

Q. A gentleman of education and culture; did you not know that if you were drawing money for pretended services which you had never rendered, you were wronging and defrauding the Government?—A. I was so little acquainted with the workings of the whole machinery that I really did not think anything much at all about the whole affair, sir.

Q. I want to know of you, a public teacher in this city, whether, if you thought you were receiving Government money without ever having rendered any service for it, you did not think it was a rascally fraud?—A. Well, if I had—I cannot answer that fully, sir.

Q. Did you think you were committing a fraud upon the Government when you got the money?—A. I did not at that time.

Q. Do you think now you committed a fraud upon the Government in taking that money?—A. If it does come from the Government I think it was wrong.

Q. When did your conscience begin to hint that you had done wrong?—A. I really do not know that.

Q. When did it begin to twinge a little?—A. I do not know that I ever thought anything serious about the business, because it was an arrangement entered into between Mr. Sypher and others.

Q. If it was wrong for them to take the money from the Government, of course you do not deny that it was equally wrong for you to be a party to it?—A. If I had known that it was not right I would have protested against it, and not received it.

Q. You say since then you have thought it was not right; when did you begin to have these scruples of conscience?—A. Only since I found out that it was really Government money.

Q. When did you find that out?—A. Only since this investigation has been going on.

Q. What have you seen since this investigation has been going on to make you think it was not right?—A. Because I found other men called who had received money at that time, and I found that they were paid on Government rolls.

Q. Did you receive a check for your money?—A. No, sir; I received the greenbacks.

Q. Do you not know that a Government official is never paid except by check?—A. I never knew that.

Q. Do you not know that Government money is paid on pay-rolls by checks which are numbered, and state to whose order they are payable?—A. No, sir; I never knew that.

Q. Would it relieve your conscience any to be sure of that fact?—A. I never knew how the Government officials got paid—whether they were paid in ready money or by checks. I was too unsophisticated about the workings of the whole affair.

Q. You were unfamiliar with either the frauds or the virtues of public life?—A. I never engaged in anything of that description, and I was not aware of any of the workings.

Q. Did Mr. Herwig tell you that you were to be paid out of Government money, or did he intimate any such thing?—A. There was not much conversation going on.

Q. Did he tell you or intimate in any way that you were to be paid out of Government money?—A. Mr. Herwig said nothing of the kind.

Q. Nor intimated anything of the kind.—A. Not that I can remember.

Q. Was anything said about putting you on the Government pay-rolls by Mr. Herwig, when he paid you?—A. I really could not tell whether he said anything of that kind.

Q. Have you any means of knowing but that this was Mr. Herwig's own private money, or that it was campaign money?—A. No, sir; I have not.

Q. You do not know but that you received part of the money raised for campaign purposes, and received it honestly as a man who had worked in the campaign, do you?—A. That was the impression I had at the time I received it. It was the first time in my life that I ever got anything in that line. If I had been aware that there was anything wrong in it, I would not have touched it.

Q. I wish you could fix just the amount of money you received.—A. I think it was about \$170, if I am not mistaken.

Q. And you got it all at one time.—A. Yes, sir.

Q. And you only signed one paper, did you?—A. That is more than I do remember.

Q. Try to think.—A. My memory does not bring me back to that.

Q. You got it all in one payment?—A. Yes, sir.

Q. And it was paid to you in bank-bills?—A. Yes, sir.

Q. And it was paid to you in Mr. Herwig's office?—A. Yes, sir.

Q. But you did not go to the cashier of any bank or anywhere else to get any check cashed?—A. No, sir; I did not.

Q. The voucher you did sign showed the exact amount you got, did it?—A. Yes, sir.

Q. You cannot remember whether you signed more than one voucher or receipt?—A. I do not remember.

Q. You have said you remembered that it had some printing on it?—A. I am not fully aware whether it had or not. I think it had, but I could not assert it fully.

Q. Can you remember what the printing was if there was any printing upon it?—A. No, sir.

Q. Was there any seal on it?—A. I cannot tell.

Q. Did you swear to anything?—A. Not that I can remember.

Q. You know what a seal is, do you not?—A. O, I do.

Q. If you had signed an oath there you would remember that, would you not?—A. I think I would.

Q. Do you remember signing any oath?—A. Not that I know of.

Q. Do you remember seeing any on the paper?—A. That I do not remember.

Q. Do you know how many times you signed a paper?—A. No, sir; I do not.

Q. Your first talk about getting some place was at what time in 1869?—A. I cannot give the month. I do not know when the election took place. I think it took place in November, if I am not mistaken, and it was about a month previous to that.

Q. The 1st of November is the fall election?—A. Yes, sir.

Q. And it was about a month before that?—A. I think so.

Q. Do you know that Mr. Herwig was the treasurer of the campaign fund?—A. That was my impression.

Q. And that the money was placed in his hands for campaign purposes?—A. I did not really know who the treasurer was.

Q. But that was your impression, was it?—A. It was my impression; it was my impression that it was arranged then and there.

Q. About what time did you receive this money?—A. I think it was about the end of February or March.

Q. It was, then, some six months afterward?—A. No, I should not think it was as long as that. I think it was about four months and a half or five months; somewhere in that neighborhood.

Q. Was Mr. Herwig the only gentleman you talked with about receiving this money when you received it?—A. Yes, sir.

Q. Did you go to him or did he send for you?—A. I went to him—no, I was outside, and was asked to come in; that is the way the thing was.

Q. Who asked you to come in?—A. The porter.

Q. What did Mr. Herwig say when you got into his room?—A. I do not remember particularly what he said. He handed me the money then.

Q. In bank-bills?—A. Yes, sir.

Q. Did he say what it was for?—A. There was no talk scarcely between him and myself at all.

Q. Had you written to him previously?—A. I believe I did write him a note; that is, I believe I wrote a note to Mr. Casey, stating that I had lost some part of my time, and that I had been promised something for the time that I had spent.

Q. Time that you had spent how—in campaign purposes?—A. In part.

Q. Had you spent any time working for the Government?—A. No, sir.

Q. Then why did you claim anything of Herwig or Casey?—A. I did not claim anything from them, but I supposed Mr. Sypher and these gentlemen had arranged all the business.

Q. I want to know what you said in your letter why you came; you had lost a good deal of time, you said?—A. I had.

Q. What did you ask in your letter?—A. As they had promised me some employment or something to help me on, I requested them to attend to their promise.

Q. And do what?—A. And either give me something to do that I could attend to outside of my business, or try to help me on in some shape or other.

Q. Or give you some money?—A. That was the claim.

Q. Then you went up there for that purpose, did you?—A. I did.

Q. Did you tell the porter you wanted to see these men, or did you tell anybody that?—A. I think I was then called in when I came there. In fact, I did not think much about the circumstances, and they did not impress themselves very clearly upon my mind. I could not exactly report the transactions as they took place then.

Q. Then if I understand you, the bank-bills that you had received stood out as the prominent figure in that picture. You remember the bank-bills more especially than you do the surrounding circumstances, do you?—A. I suppose any gentleman or anybody else would.

Q. How is it with you? You remember distinctly all about the bills, but do not remember the other circumstances?—A. Not so exactly.

Q. You had been teaching school and had not mixed much in these outside things, had you?—A. I have never engaged in anything of this description before.

Q. This was really the first time the schoolmaster had been abroad?—A. That is so.

Q. The pleasing picture to you of that excursion was the bank-bills?—A. My school is not a very remunerative one—

Q. On that excursion the principal and pleasing figure was the bank-bills; that was the gratifying part of it, was it not?—A. Undoubtedly.

By Mr. NEW :

Q. How long was it after you addressed that letter to Casey before you were paid the money?—A. Well, really I cannot tell.

Q. What is your best recollection?—A. I think, anyhow, nearly a month.

Q. How did you send the letter?—A. I think I gave it into the porter's hand to bring in to Mr. Casey.

Q. Did you receive any answer, by letter or otherwise, from Mr. Casey?—A. No, sir; I did not.

Q. When you called afterward and got your money was any allusion made by yourself or anybody else to the letter you had sent to Casey?—A. Not that I remember of.

Q. After you had sent the letter to Mr. Casey did you receive a letter or word from any person as to your calling at the custom-house upon the business before you went? You said that you had received notice to call. What kind of notice was that?—A. Well, it was generally reported then that many persons would receive; it was by general report that I received the notice; I did not receive any particular notice.

Q. Who do you say paid you the money?—A. I think it was Mr. Herwig.

Q. Did he ask any questions about what it was for?—A. Not that I remember.

Q. Did you state to him the amount you were to receive?—A. No, sir.

Q. How did he come to pay you any particular amount?—A. That is more than I can tell. I thought I would leave that altogether to him or to the parties who had promised to do something for me.

Q. You do remember the fact that you got the money better than you do some other particulars connected with the transaction?—A. Undoubtedly.

By Mr. VANCE :

Q. What election do you refer to?—A. The election of 1870, I think. I do not know when that election took place on the new city administration—Mr. Flanders's administration.

Q. Have you received any money from Mr. Herwig or other United States officials here since that time?—A. No, sir; I have not.

Q. Did you serve in 1874 as inspector in the custom-house?—A. No, sir; O, no.

Q. Did you receive any money as inspector?—A. No, sir; I never came near the gentlemen again after that. I never had anything to do with them after that.

Q. You say you supposed, until recently, that this was an election-fund that was being disbursed there?—A. I thought so.

Q. Do you know whether your name appears upon any pay-rolls of the Government?—A. That I do not know, and did not know until I saw various other gentlemen that had been engaged there. I did not until I saw their names in the paper, and then the idea first principally dawned upon me that that was—

Q. You are under the impression that this money was paid you by Mr. Herwig?—A. I am.

Q. When you were admitted to his presence and received the money you think that no conversation took place between you?—A. Not that I remember of.

Q. Did he hand you \$170, or thereabout, without any questions being asked or answered?—A. He may have asked a question and I may have answered one, but what the nature of that question was, if such a question was asked, I really do not remember.

Q. Did Mr. Herwig make any suggestion to you as to the amount of money he should pay you?—A. No, sir; I was called into the room, and I do not even remember where he took the money from, but he handed me the money and I was requested to sign the paper or papers, I do not know which; but I did not know what the purport of those papers was.

Q. Were there any other signatures to the papers you signed?—A. Not that I remember of.

Q. Did Mr. Herwig make a statement to you in regard to the amount he gave you?—A. No, sir.

Q. He said nothing to you in regard to it?—A. He was very reticent; he spoke very little, if any; he was very silent.

Q. Did you send your name in to Mr. Herwig before you were admitted?—A. I think it was necessary to do so, if I am not mistaken.

Q. Did you or not send your name?—A. I think I did.

Q. How long were you kept waiting?—A. There were not many there, and I do not think I was kept waiting very long.

Q. Did anybody else get money that same day, that you know of?—A. Not that I know of.

By the CHAIRMAN :

Q. Who made this first arrangement with you? You said certain parties called upon you?—A. It was Governor Warmoth and General Sypher. Both of them had come to the Third ward district; they had heard that I was very much in favor of that administration.

Q. How came you, then, to address the collector of the port, Mr. Casey?—A. I was referred occasionally to the custom-house to go there. I had once, to my remembrance, a conversation with Mr. Casey upon general affairs—nothing in particular—and I thought this arrangement was a general arrangement between various parties.

Q. What arrangement do you mean?—A. The arrangement to carry on the campaign.

Q. Why did you address Mr. Casey, the collector of the port, instead of Mr. Sypher or Governor Warmoth?—A. Because Sypher had been absent very often and frequently, and I believe he was absent then and there, and I thought the thing was arranged between these gentlemen.

Q. Did Mr. Sypher tell you that he had arranged it with the collector of the port?—A. I think it was an arrangement between all these various gentlemen. I think Mr. Sypher said he would make it all right.

Q. With whom?—A. That he did not say; but I was under the impression that all these gentlemen were working together, and that by addressing one, the head man, as I supposed, I thought I would reach the purpose.

Q. How happened it, then, when you went to see about this arrangement and get your share of the money, that you did not call on Mr. Casey, but called on somebody else?—A. I do not know; but simply because I was outside, and then I was shown Mr. Herwig's room.

Q. Did you go to the custom-house to see Mr. Casey or Mr. Herwig when you left home?—A. I went to the custom-house to see simply what would and could be done; that is all. I did not go to see anybody in particular.

Q. The custom-house could not do anything in particular for you?—A. No, sir.

Q. You had to see somebody?—A. Yes, sir.

Q. Whom did you go there to see?—A. I thought if anybody had anything to do in that line, in any shape or form, he could assist me.

Q. You do not recollect the amount of money that you received?—A. I told the gentleman before—\$170, I think, or thereabouts.

Q. You do not recollect the character of the papers you signed?—A. No, sir; I do not.

Q. Are you positive in your mind, when you reflect about it; and are you prepared to swear exactly in regard to the receipt of this money?—A. What I have stated thus far, I think, is to the best of my knowledge and belief.

Q. Do you recollect now, when I call your attention to the fact, as I now do, whether you received this payment, whatever it may have been, in money or by check which you had cashed?—A. I received it in money.

Q. You are positive as to that?—A. Yes, sir; I am positive as to that.

Q. And clear?—A. Yes, sir; I am positive it was in money.

The following letter, subsequently received by the chairman of the committee, from the above-named witness, was ordered to be put in the evidence:

“NEW ORLEANS, June 16, 1876.

“DEAR SIR: The bearer of these lines, my son, has with him the exact amount given to me in 1870, which, on overlooking my books, I found to be \$177, for which please give him a receipt. But should I be mistaken in delivering it into your hands, please direct him to the proper person into whose hands it should be restored. I would have brought it to you myself, but cannot possibly leave my school until 3 o'clock p. m., and being desirous to deliver it as early as possible, I take this method to lay it in your hands. I again assure you that had I known there was any wrong committed in receiving it, I would rather have begged my bread from door to door than to receive a single cent. Begging you to excuse me for causing you so much trouble, I remain,

“Yours, respectfully,

“JOHN UEBER,
“658 North Rampart street.

“Hon. R. L. GIBSON,

“Chairman of the Congressional Investigating Committee.”

NEW ORLEANS, June 13, 1876.

PHILIP NEFF sworn and examined.

By Mr. NEW :

Question. Where do you live?—Answer. Down town, in the third district, 713 Dauphin street.

Q. What is your employment?—A. I am a carpenter.

Q. Where are you employed now?—A. I am employed by the Government in the custom-house.

Q. How long have you been employed in the custom-house?—A. I have been employed there about eleven years, I believe.

Q. What are your duties at the custom-house?—A. To make new furniture and repair it, put in window-curtains and glass, fix locks, and a little of all kinds.

Q. Have you made any furniture since you have been there?—A. Yes, sir.

Q. Have you made any furniture that was not to be used in the custom-house?—A. Well, I made some trifling things that might have been used in the kitchen—more for servant's use.

Q. Have you made any furniture for any officer in the custom-house which was not used in the custom-house?—A. I could not recollect whether—

Q. Answer whether you have or not; you can answer that by yes or no.—A. I recollect that I made a small armoire for Mr. Herwig.

Q. Explain to the committee what that is.—A. It is used for clothes. That is what we generally call it. I do not know what else to call it.

Q. How large was it?—A. I believe about seven feet high, and two by three and a half.

Q. What kind of wood was it made of?—A. Black walnut, front and sides.

Q. How long did it take you to make it?—A. I could not tell you the time, because I did not work at regular times.

Q. About how long would it require you to make such an article of furniture, if you worked right along at it during the usual working-hours?—A. It would take about four days; that is, I might work a little more or less.

Q. About what is the value of such an article after it is made?—A. It is worth something like \$10 or \$12.

Q. For whom did you make that?—A. Mr. Herwig.

Q. Where was it placed after it was made?—A. I could not tell you.

Q. What became of it after it left you?—A. It was taken away, and that is all I know about it.

Q. Which one of the Herwigs did you make it for?—A. Felix Herwig, the deputy collector.

Q. Did you ever make any articles of furniture for Felix Herwig, other than the one you have named, which was not used in the custom-house?—A. Not to my recollection.

Q. Did you do any work for him that was not for the custom-house?—A. I did not, except some trifling things for family use in the kitchen.

Q. State what little trifling things to be used in the kitchen or elsewhere you made for Mr. Herwig.—A. That is all I know—not anything else that I made.

Q. State what those little trifling things were.—A. I do not know what you call it in English; but it is generally used to make dough on. I believe they generally call it a chopping-board, a small skirt-board to iron on, but I could not tell you anything more.

Q. State whether you ever made any furniture for any other officer in the custom-house which was not used in the custom-house.—A. I made a small piece of furniture for Colonel Casey, the collector of the port.

Q. What was that piece of furniture?—A. It was to be used something like a small side bureau for groceries.

Q. What was the size of it?—A. Something like three feet square.

Q. What was it made of?—A. It was made out of poplar lumber.

Q. Was that for use in his house?—A. Yes, sir.

Q. Have you made anything else for him?—A. That is just the same that I mentioned.

Q. Was that the armoire that you made for him?—A. Yes, sir.

Q. Did you make any furniture for any other custom-house officer?—A. Not by my recollection.

Q. Have you done any work for them other than the work you did in the custom-house?—A. No, I did not, except in my leisure time; sometimes they might send me there to fix a hinge, or something that way, when I have time. My work-hours are from 9 to 3, and sometimes I have a little leisure time, because when the clerks are in their places I could not work.

Q. I do not speak of these little odds and ends now, but did you receive any compensation for the furniture that you made at the custom-house other than your regular pay?—A. No, sir; I did not.

By Mr. CONGER:

Q. What are your working hours in the custom-house?—A. We work eight hours a day; we might sometimes work nine or often ten hours.

Q. Besides making these little things, did you work all you ought to for the Government?—A. I worked many times after my time, and I have worked many times on Sunday to oblige the clerks, so that when they come on Monday everything would be in its place.

Q. Have you worked since you have been carpenter for the Government as much as to make full time for the Government all the time?—A. Yes, sir; and more, too.

Q. These little things that you made for Mr. Herwig you did besides doing your full work for the Government?—A. Yes, sir.

Q. You worked extra time?—A. Yes, sir.

Q. Did you ever take any time out of the Government time that you ought to have been at work for the Government, in doing any of these things for anybody else?—A. I did not.

Q. This kitchen article that you made for Mr. Herwig, was that a board to roll out upon?—A. Yes, sir; that is what you might call it—a bread-board.

Q. How many days' work did it take to make that bread-board?—A. It takes about five or ten minutes to make one like that.

Q. How long did it take to make the little board to iron the night-caps upon?—A. I do not believe it would take much more time.

Q. Did you feel, when you were making this bread-board and night-cap board for Mr. Herwig, that you were wronging the Government very much?—A. I did not.

Q. You have not a very delicate conscience about these things, have you?—A. Yes, sir; I have a good, clear conscience about them.

Q. You did not think you were doing any great wrong to the Government?—A. No, sir; I did not, because many times I worked out of hours for the Government and did not get anything for it, and I can prove that fact that I worked many Sundays and after hours and never called for anything for it.

Q. And you worked Sundays so that you could work in the office when the clerks were out?—A. Yes, sir.

Q. And you did this other work besides your regular working-hours?—A. Yes, sir.

By the CHAIRMAN:

Q. Were you in the habit of working this way for all of your friends?—A. I am a poor man, trying to make a living and trying to get money and trying to oblige them, whatever I can do for them, whenever they ask me for little favors.

Q. You do these little favors for nothing?—A. So I did; that is no more than to keep friends with all of them, because I could not say that I am employed by the Government all the time, but I make my living among other people also.

Q. Where did you get the material that you used in making these articles?—A. We generally make a requisition, and it was approved in Washington, to do the work for the building, and what I used that way I always bought from Brown, in the lumber-yard.

Q. Where did you get the material that you used in making these articles?—A. From Brown, in the lumber-yard.

By Mr. CONGER:

Q. It was not Government lumber that you used?—A. I did not use any for private use.

Q. You did not use Government lumber for these things?—A. Small articles, that was hardly in use for the Government.

Q. I mean in making this clothes-press and little drawers; you did not use Government lumber for that?—A. No, sir.

By the CHAIRMAN:

Q. Did you do any other work for any other parties in this city while you were in the custom-house?—A. I do not recollect of any.

Q. You recollect of doing these little jobs for Mr. Herwig?—A. Yes, sir.

Q. Can you not recollect whether you worked for any other gentleman in this city besides Herwig, about that time or since then?—A. I did not do any work at all; that is, any work like that, before I was employed in the custom-house.

Q. Did you do any work outside of the custom-house in this city?—A. No, sir.

Q. At no time?—A. No, sir.

Q. I mean while you were employed in the custom-house.—A. I did little jobs for Colonel Casey, as I stated; to fix a hinge, and little things like that.

Q. Tell us about the little jobs that you did for Colonel Casey.—A. For instance, you know there is the armoire, or anything like that; I generally do that to oblige him.

NEW ORLEANS, June 13, 1876.

FRANK OTTENDORFER sworn and examined,

By the CHAIRMAN:

Question. Where do you reside?—Answer. No 31 Josephine street, New Orleans.

Q. What is your business?—A. Pilot and captain of boats.

Q. Were you ever engaged in public employment here in any way?—A. No, sir; not in public employment; I received money in the custom-house.

Q. Tell us about that. How did you happen to receive money in the custom-house?—A. All I know is that I was on the post-roll there, and I got \$90.

Q. Tell us what time this was.—A. That was the last general election, in 1872.

Q. 1872 was not the last general election, was it?—A. Yes, sir; I think it was the last general election.

Q. What month was it?—A. I do not recollect; it was a couple of months before the election.

Q. Go on and state the facts.—A. I went to see Mr. Casey and Mr. Herwig, and they told me if I would use my influence for the party I should go on the rolls. At the end of the month I came there, and I wanted to get my money, and Mr. Herwig wanted to deduct \$25 of it for some paper they had started. I would not stand it, and I told him I could not stand it. He talked with me, and he told me that if I would give him my note on the next month's pay for \$25, they would give me the full amount, which I did; and when I came the next month I did not get anything.

Q. How much did you say he paid to you the first month?—A. Ninety dollars.

Q. Did you sign a pay-roll for him?—A. I signed a blank pay-roll for him.

Q. Describe that pay-roll as closely as you can.—A. All I know is that it was in blank, and I signed three of them.

Q. How long was the paper that you signed?—A. It was about a foot and a half square.

Q. Was there any printing on it?—A. I think there was.

Q. Were there any words on it that you can recollect?—A. No, sir; I think not.

Q. Were these words on it: "United States of America?"—A. I think they were.

Q. Have you ever seen a paper like that since?—A. No, sir; I have not.

Q. Would you know it if you were to see it now?—A. I would know my own writing; that is all.

Q. Did it look like an official paper? Did you understand at the time that you were signing a Government paper?—A. I thought so.

Q. Why did you think so?—A. Because I was getting Government money, I thought.

Q. What makes you think you were getting Government money?—A. I was getting paid in the custom-house.

Q. It does not follow because a man pays you money in the custom-house that it is Government money?—A. That is the only reason I have.

Q. Was there not something in the paper itself, as you recollect it, that showed it was Government money that you received?—A. No, sir; that I cannot tell.

By Mr. NEW:

Q. What do you mean by that? Do you mean that you did not read the paper?—A. There was nothing there to read; it was blank. There was something printed, but I could not tell you anything more what it was.

By the CHAIRMAN:

Q. What month was this for which you got that \$90?—A. I think it was September; I am not positive. It was either August or September.

Q. What conversation had you had previous to this with Mr. Casey?—A. None at all; only he was sitting in there in the office at the time.

Q. Had you rendered the Government any service whatever for that money?—A. No, sir.

Q. Do you know of anybody else who was receiving money about the same time and in the same way that you were?—A. There were several others getting money the same way I was. I do not recollect their names; I would know them if I were to see them.

Q. What do you say was the name of the pay-roll you signed?—A. The post-roll, they called it.

Q. What is the meaning of that?—A. I really do not know.

By Mr. NEW:

Q. Have you ever seen your name upon the pay-roll since then?—A. No, sir; I have not.

By Mr. VANCE:

Q. Have you seen Mr. Herwig within the last three or four days?—A. Yes, sir.

Q. What took place between you in regard to this investigation, if anything?—A. I went there to see him, and told him that I had been subpoenaed; that I did not care about coming before the committee; and he says, "What am I to do?" I told him I did not know, but I did not care about coming before the committee. We talked matters over, and he said, "Do you want anything?" I said, "No, I do not care about anything." We talked again, and he says, "I will loan you some money." I told him, "Very well." He says, "How much do you want?" First he wanted to give me \$10. I told him that would not do; that I wanted more; so he gave me a check for \$25 on the Hibernia Bank.

Q. What did he give you that check for?—A. He loaned it to me. I gave him a receipt.

Q. What was the object of the loan?—A. My object was to go away with it.

Q. Was it his object in letting you have the money to get you away from here?—A. I do not know whether it was or not, but that is what I told him.

Q. You told him if he would let you have it you would go away?—A. Yes, sir.

By Mr. NEW:

Q. When was that?—A. On the 7th of this month.

By Mr. VANCE:

Q. You have stated that your name was on the post-roll?—A. That is what it was called.

Q. Who called it that?—A. I have heard outsiders call it that; that is all.

Q. What conversation took place between you and Herwig in Mr. Casey's presence?—A. He asked me—

Q. Who asked you?—A. They were all three there together.

Q. Who were they?—A. Mr. Packard, Mr. Casey, and Mr. Herwig.

Q. What took place at that interview?—A. When I went in first and asked them to put five of my men on the roll; at first they agreed to do it.

Q. "They"—who agreed to do it?—A. The three parties. Then they came to the conclusion that they would put me on and three of my men.

Q. You say that Mr. Casey, Mr. Packard, and Mr. Herwig and yourself were present at this interview?—A. Yes, sir.

Q. Did they all take part in the conversation?—A. Yes, sir.

Q. These three men finally agreed to put you and three of your men on the roll?—A. Yes, sir.

Q. Did those gentlemen name the roll upon which they would put you?—A. No, sir.

Q. How did you ascertain that it was the post-roll?—A. Just by outside talk. They told me that at the end of the month I would have to come for my money.

Q. These men told you at this interview?—A. Yes, sir.

Q. What were you to do before you and your three men were put upon the roll?—A. My understanding was to work for the party.

Q. What party?—A. The republican party.

Q. Did you go there and make a tender of your services to those gentlemen?—A. No, sir.

Q. How did you go there?—A. I went there with the understanding from outside parties that I should go there.

Q. Some one sent you there?—A. Yes, sir.

Q. What information did you have from outside parties in regard to the matter before you went?—A. None at all, only they told me to go and see them.

Q. Was it for the purpose of getting on the rolls?—A. Yes, sir.

Q. Do I understand you to say that you received your pay, \$90, without doing any work for the Government?—A. Yes, sir.

Q. Did the three men who were placed upon the roll receive pay also?—A. I really do not know. I think they worked as laborers, and got their pay.

Q. Were they upon the same roll that you were, or do you not know?—A. No, sir; I do not know.

Q. But you did not work?—A. No, sir; I was working somewhere else.

Q. Did you get your money in the shape of a check?—A. No, sir; in greenbacks.

Q. In the custom-house?—A. Yes, sir.

Q. Who was present when you were paid?—A. Nobody. Mr. Herwig gave me the money himself, and took my receipt for \$25 for next month.

Q. Did you sign three blank receipts or rolls?—A. Three or more. I am sure, three times. I do not recollect how many.

Q. You say that he requested you to give \$25 for the support of a newspaper; that you refused to do it, but finally agreed that he might take \$25 for that purpose out of your next month's pay?—A. Herwig said that if I would give him my note for \$25, on the next month's pay, he would give the \$90. I told him "Very well;" that I was willing.

Q. What newspaper did he mean?—A. I forget the name of it; it was a new paper, just starting, for the republican party.

Q. Do you remember whether this election was the election of 1872 or that of 1874?—A. It was the last presidential election.

Q. Consequently, that would make it in 1872?—A. Yes, sir.

By Mr. WOODBURN:

Q. Are you now a pilot and captain?—A. No, sir; the Fleta was the last boat I was captain of.

Q. How long is it since you have been so employed?—A. About the 12th of March last.

Q. What have you been doing ever since?—A. Nothing.

Q. What has been your pecuniary condition since last March?—A. I have not had much, but I had enough to live on. I have a family, and I have always had a little.

Q. When this congressional committee arrived here, were you in the city?—A. Yes, sir.

Q. Did you believe that there was a chance for you to make some money, by reason of the arrival of that committee, in telling what you know in reference to custom-house matters?—A. No, sir; not at that time.

Q. From 1872, up to the time of the arrival of this committee, did you ever tell anybody what occurred between you and Mr. Herwig in 1872?—A. Not until lately. I have told some of my friends lately.

Q. Just name some of them to whom you have communicated that.—A. I really do not know their names.

Q. Did anybody ask you what occurred between you and Herwig in 1872?—A. No, sir.

Q. Then you have never told anybody about your reception of this money, for which you rendered no service to the Government?—A. I have told several that were in his employ. They would ask me the question, and I would tell them "Yes." That has been since I received the money.

Q. Can you name one person to whom you have told that fact?—A. I have told several; I hate to mention their names, because they are outside parties.

Q. Did you give any information to any member of this congressional committee as to what you knew in reference to transactions between yourself, Mr. Herwig, and Mr. Casey, in 1872, or did you tell any of the officers attached to this committee?—A. No, sir; I do not know any of them.

Q. Did you make any effort to be subpoenaed here to tell what you knew?—A. I did not; but I understand from outside parties that a friend of mine did.

Q. What is your friend's name?—A. I do not know; there are so many of them.

Q. This particular man, I mean. I want to know the name of this particular man that gave the information to this committee?—A. I could not give the name. I do not know it now.

Q. Was it only one individual who gave this information?—A. I could mention several of them.

Q. Several who came to this committee and told the committee what you would swear to?—A. I do not know that part of it.

Q. Are you not satisfied that somebody came here on your behalf?—A. That I do not know.

Q. What is your judgment about it? Have you any opinion as to how you came to be subpoenaed?—A. I suppose somebody that was on the roll who knew me knew that I was employed there, and told of it.

Q. You said you never were employed?—A. I got the money.

Q. Who knew the fact that you got the money?—A. Myself.

Q. Was there anybody present except yourself and Herwig when you got the money, and who knew that you got the money?—A. I do not know.

Q. When you went to Mr. Herwig and got this last amount of money—the check on the Hibernia Bank for \$24—did you not go there for the purpose of black-mailing him and telling them that you would go away and not testify to anything?—A. No, sir; I did not go there for the purpose of black-mailing him.

Q. What was your object?—A. As far as black-mailing goes, he owes me about two months' pay now.

Q. He owes you two months' pay for doing nothing?—A. By his agreement.

Q. That is your idea, that he owes you two months' pay for doing nothing. You told him you would go away when you got this \$24, did you not?—A. Yes, sir.

Q. Did he ask you to go away?—A. I will tell you—

Q. Did he ask you to go away? I want a direct answer to that, yes or no. I do not want any explanation.—A. I will give you a good answer.

Q. I want an answer, yes or no, and I insist upon it. Did he so tell you?—A. I cannot hardly tell how to answer you.

Q. Did he tell you in substance or language, or did he tell you anything that would induce you to believe, that he wanted you to go away?—A. He knew I wanted to go away.

Q. Did he say so when he gave you that check?—A. No; he did not say so.

Q. You told him that you wanted to borrow that money to go away with, did you not?—A. Yes, sir.

Q. And he immediately gave it to you?—A. Yes, sir.

Q. Did you tell him that you did not want to testify before this committee?—A. I told him I did not care to bring my name before this committee.

Q. You did not tell him you had any hesitancy in swearing, did you?—A. I told him if I was brought here I would have to tell the truth.

Q. Did he tell you that he wanted the truth suppressed?—A. No, sir; he did not.

Q. You did not intend to pay that \$24 back?—A. Yes, sir; I did, and I offered good security.

Q. Did you not just swear that he owed you more than that amount of money?—A. I said that just now.

Q. Now, if that be true, how do you account for your testimony now?—A. I just say that I borrowed that money.

Q. Do you still swear that you intend to pay back that \$24, when your testimony is that he owed you more money than that?—A. I still say yes, that I intend to pay that back to Mr. Herwig.

Q. Then he owes you nothing?—A. Nothing personally.

Q. Did you not just swear that Mr. Herwig owed you \$25?—A. O, no, sir; I never swore that.

Q. Did you not swear that he agreed to give you \$25, and that when the second month arrived you got nothing, and, consequently, you considered that he still owes you?—A. I gave him my note for \$25, on the second month's pay, and when I went to receive that second month's pay, I got nothing.

Q. He owes you for two months' pay?—A. I do not say he does. I consider the custom-house party does.

Q. You never had any dealings with any man in the custom-house except Casey, Herwig, and Packard, did you?—A. No, sir.

Q. Which of them, in your judgment, owes you the two months' pay?—A. I do not know which one of them.

Q. Or do you hold them all jointly?—A. I do not know who owes it to me.

Q. Did Mr. Herwig ask you for any security?—A. No, sir; I told him I would give him some.

Q. What character of security did you offer?—A. I offered him good property and money.

Q. Where is the property?—A. Where I live.

Q. Is it homestead?—A. No, sir. I can give just as good security as anybody.

Q. Did you intend to put up the house in which your family reside as security?—A. I do not own my house; I pay rent. I have got as good security as anybody can give.

Q. Did you offer the names of any parties as indorsers?—A. No, sir; he told me he did not want any.

Q. Let us go back to 1872. Did you solicit employment in that political campaign on account of your influence; did you first broach the subject to Mr. Herwig, or he to you?—A. I broached it to him.

Q. What did you say to him?—A. I was then president of a secret organization called the Knights of Syria, and I told him what I came for. We had an interview.

Q. Then you were using your official capacity as president of the Knights of Syria for the purpose of obtaining money, and causing him to believe you had influence on account of your being president of that society?—A. I did not want any money then. I was working and doing well at that time.

Q. Did you not come to them for the purpose of getting money?—A. I went for the purpose of putting two poor workmen on the rolls.

Q. Did you not have yourself put on, too?—A. No, sir; I did not at first.

Q. When it was suggested, did you say that you were employed and did not want any money?—A. No, sir; they knew I was employed.

Q. Who was treasurer of the republican party in that fight; who had control of the funds?—A. I do not know anything about that. All I know is, that I was at the custom-house.

Q. You took an active part in that campaign, did you not?—A. No, sir.

Q. Did you not agree to do so?—A. I told them I would do the best I could.

Q. Was it generally reported who had possession of the funds to carry on that campaign?—A. I do not know anything about that.

Q. Was it not reported that Herwig was the custodian of the funds of that campaign?—A. I do not know anything about that.

Q. When you received the \$90, how did you get the money?—A. In greenbacks.

Q. Were they small bills or large?—A. I think they were all five-dollar bills.

Q. Did you ever see any money paid in the custom-house to employes there in that way?—A. No; I only saw myself paid; that is all.

Q. Did you ever see any payments made to anybody in the custom-house?—A. No, sir.

Q. Did you not just swear that you signed a receipt for that money, in response to a question by Colonel Vance?

The WITNESS. What do you mean by a receipt?

Q. Did you not mention the word "receipt" in your examination by Mr. Vance?—A. I said a receipt to the amount of \$25.

Q. Was that everything that you signed at the time that you received the \$90?—A. O, no, sir; I signed a blank pay-roll. They said it was a blank pay-roll; that is all I know.

Q. Were there any other names on the pay-roll at the time you signed it?—A. I really do not recollect.

Q. If there had been some names on that pay-roll, would you not have seen them?—A. It seems so; but I do not recollect.

Q. It was a paper a foot and a half long, was it not?—A. About that square, I think, as near as I can recollect.

Q. You cannot swear whether there were other names on that pay-roll besides your own?—A. No, sir; I cannot.

Q. Was there any name above the particular place on the paper in which you inserted your name?—A. There were printed forms above, but I do not know what they were.

Q. You saw no names in writing?—A. No, sir; I did not. To the best of my recollection, it was printed on the top.

Q. When you received the \$90, was there any understanding between you and Mr. Herwig, or Casey, or Packard that you were to be put down on the pay-roll at the rate of \$90 a month for three months in any particular capacity?—A. I did not know what I was put on the roll for.

Q. Was there anything said about that?—A. No, sir.

Q. Who made the proposition to put you on the pay-roll?—A. I really could not recollect that either.

Q. Did it strike you as being very suspicious when you signed this pay-roll—that there was something wrong about it?—A. No, sir; because I heard they were doing that, and I thought I might as well get some of the money.

Q. Did you not hear that there was money disbursed by Herwig for the furtherance of the success of the republican party in that campaign?—A. I did not hear it; I never meddled with that.

Q. You knew that the money was being disbursed for the benefit of the republican party, did you not?—A. Yes, sir.

Q. It was not spent to defeat it, was it?—A. No, sir.

Q. Was not that about the substance of your information, that money was being spent for political purposes?—A. I think that is what it was spent for.

Q. You did not get your second month's pay?—A. No, sir.

Q. Did you get the third month's pay?—A. No, sir.

Q. Did you demand it?—A. I went there; yes, sir.

Q. When you demanded the second month's pay, what was said?—A. Nothing. I sent my card in, but could not get it.

Q. Was that the only time you ever went there?—A. Yes, sir; until lately.

Q. What do you mean by lately?—A. Since the 7th of this month.

Q. Since this committee came here?—A. Yes, sir.

Q. Then you have gone to Herwig and interviewed him since this committee arrived here, and could not get your pay?—A. No, sir.

Q. Did you know that Mr. Herwig was in the custom-house when you sent your card in?—A. No, sir.

Q. If you thought that he was indebted to you for two months' pay, do you not think that you would have interviewed him since 1872?—A. I do not know whether I would have interviewed him or he would have interviewed me.

Q. You would have interviewed some party, either Packard, Casey, or Herwig. If it were a legitimate transaction, and they were disbursing money, and you considered yourself entitled to it the same as others, do you not think you would have gone, between 1872 and the 7th of this month, and asked for that money?—A. I cannot swear. I do not think I have sworn that they really owe it to me.

Q. Immediately after the election, or about that time, was it not very natural, if the money were owing to you, that you should demand it when you considered yourself entitled to it?—A. What are you going to do when they will not give it to you?

Q. Did you ask for it?—A. I asked for my second month's pay—that is, I sent my name in.

Q. Do you not believe, if Packard, Casey, or Herwig, either jointly or individually, intended to rob the Government, or defraud it by putting your name fraudulently upon the pay-roll, that they would have been only too glad to give you the two months' pay that you did not receive, and which they agreed in the first place to give you? Do you not believe, if there was anything dishonest in your transactions with these men, that you would have received the money?—A. I do not know really of any dishonest transaction.

Q. Then the fact of your not receiving the money did not induce you to believe that there was anything wrong about it?—A. I did not care for it much, because I was working at the time, and I did not care much whether I got it or not.

Q. You thought you were well paid with the \$90 in greenbacks—not having done much for the party? You say you never saw a pay-roll?—A. I have seen plenty of them. I was pilot of a United States Government transport for two years and four months.

Q. Did you ever see a pay-roll of the custom-house?—A. No, sir; only that one.

Q. Did you ever see the pay-roll of any custom-house of any other city in the United States?—A. I have never been in any other city, except New Orleans.

Q. You cannot swear, can you, that it was a pay-roll that you signed?—A. No; I could not, positively.

Q. You have only an impression that it was a pay-roll, because you signed a paper of the dimensions you have described?—A. Yes, sir.

Q. When you got this check for \$24, on the Hibernia Bank, was anything said about putting you on the pay-roll, or asking you to sign a voucher for it?—A. No, sir; I gave my receipt for it.

Q. The check was signed by Mr. Herwig individually, was it not?—A. Yes, sir; he lent me that money for three months.

By Mr. VANCE:

Q. Why did you call this paper you signed a pay-roll?—A. Because he told me it was a pay-roll.

Q. Who told you?—A. Mr. Herwig himself.

Q. When you called upon Mr. Herwig, after this committee arrived here, you said, in a previous answer to a question of mine, that he said, "What am I to do about it?" What did he mean by that?—A. He wanted to know—

Q. What impression did he convey to your mind by that remark?—A. What to do to help me, I suppose.

Q. Did he say anything to you, or you to him, in regard to your absenting yourself from this committee?—A. I told him I did not care to have my name come before the committee.

Q. What did he say?—A. He said "Very well."

Q. You have stated, also, that he was indebted to you, or that the custom-house party was indebted to you more than the amount you had borrowed from Mr. Herwig. Do I understand you to mean by that that the custom-house party, so called, had failed to live up to their obligations with you?—A. They had promised me what they had not fulfilled.

Q. You stated here that they promised you to muster you and three of your men upon their rolls for three months?—A. Yes, sir.

Q. They did muster you for one month and then dropped you?—A. Yes, sir.

Q. Thereby not living up to their promise; is that what I understand?—A. Yes, sir.

Q. You have stated that you called at the custom-house and failed to see these parties?—A. The second month; yes, sir.

Q. You tried to see them, did you?—A. I sent in my card, and they told me he was busy.

Q. Did you make any effort from that time, until after the arrival of this committee, to get your pay?—A. No, sir; I have not tried since.

NEW ORLEANS, *June 13, 1876.*

At this point Messrs. Reilly and Darrall, who had been appointed a subcommittee to visit the custom-house and examine certain papers, returned to the committee and made the following verbal report:

Mr. REILLY. Mr. Darrall and myself called at the custom-house this morning about 10 o'clock, or a little later, but failed to see the collector, Mr. Casey. After waiting a few minutes we saw Mr. Herwig, the deputy collector. I stated to him the information we desired; that we wanted a copy of the accounts showing the amount of money that had been realized from seizures, together with the disposition that had been made of it; also an account showing the amount of money received from the Treasury for the construction of public buildings, together with the monthly account of disbursements for each year since the 4th of March, 1869. I also desired the production of the pay-rolls of the men that were employed in the construction department for the years 1873, 1874, and 1875; all of which he agreed to furnish. I examined Mr. Aikman, the auditor of the custom-house, under oath; he has supervision of these accounts. Mr. Herwig said that he would direct him to furnish the committee the information required. I then told Mr. Herwig that we would like to see duplicates of the vouchers for the years 1870, 1872, and 1874, for the pay of temporary laborers. He said they had sent to the committee all the vouchers there were in the custom-house. I told him these vouchers were not the ones that we wanted. He said again that those were all they had. I told him that Mr. Darrall and myself had seen certain vouchers in the Treasury Department at Washington, and that some parties whom we had had before the committee as witnesses swore that they signed those vouchers in duplicate; that I understood that the regulations required one copy to be retained in the custom-house here, and that those were

the copies we would like to see. He said they were not there; that they had made a very thorough search when they were getting these vouchers together that they did send, and he was pretty certain that they were not in the building. I told him we were anxious to have them, and expected to find them there. He said there was some little confusion in the building on account of some transfers of furniture, &c., that had been made recently; that they had made a pretty thorough search, and he was satisfied that they were not in the custom-house. I asked him whether it was not customary to retain them; whether it was not necessary for Colonel Casey's own protection that they should be retained. He said not these temporary laborers' rolls; that they were not made under oath; that they were put on monthly vouchers after the accounts were liquidated, and there was nothing more about it. We then went through some of the departments and made an examination of the manner of entering goods, &c.

Mr. DARRALL. I concur entirely in everything that Mr. Reilly has stated. I think, in addition to what he has said about the temporary rolls, that Mr. Herwig informed us that there were no temporary rolls retained there by anybody. He spoke of other collectors besides the present collector, and said the laborers were not sworn officers; that they only retain here the permanent rolls of employés that were confirmed in Washington.

NEW ORLEANS, *June 13, 1876.*

WILLIAM D. HENDERSON sworn and examined.

By the CHAIRMAN:

Question. What is your business?—Answer. At present I am soliciting life, fire, and marine insurance.

Q. What was your occupation in the latter part of the year 1869 and beginning of 1871?—A. In 1869 I was clerking for Jackson & Anderson. In 1871 I was partner in the house of Jackson, Kilpatrick & Henderson.

Q. Have you any knowledge of any irregularity in regard to a cargo of salt on the ship *Pericles* about the beginning of 1871?—A. Yes, sir.

Q. Do you know of any investigation made into the matter by the Treasury agent, Mr. Kinsella?—A. Yes, sir; and if you will give me three or four minutes I will tell you everything there is, and then you can cross-question me just as much as you choose afterward. I wish to state, before going into my statement, that I have an object in having everything recorded that I say. I am not interested in the salt-house now. It is not against the Government that this investigation was brought, or any fraud in the custom-house, but simply a matter of business persecution between the one house and the other; they want me to do the talking, and they to reap the benefit.

By Mr. STEVENSON:

Q. When you say "they," whom do you mean?—A. The house I was with.

The CHAIRMAN. I desire that you shall not make any statement or do any talking except so far as your own knowledge extends to any transaction in which any wrong was done the Government. Please confine yourself to what you have personal knowledge of.

The WITNESS. Three years previous to 1871 the salt business was carried on under the name and style of Jackson & Manson, which firm was composed of four partners.

The CHAIRMAN. We want your knowledge in regard to this particular matter of salt shipped per ship *Pericles*. Give us such knowledge as you may have of the investigation made into that matter by Mr. Kinsella. If you desire to make any statement, make it with reference to that transaction.

The WITNESS. Your honor, I know what comes afterward; I know all the papers you have got there. I will say that there were four partners in the house—David Jackson, Wm. H. Anderson, James Jackson, and Charles Manson. I kept the books for them, was their cashier, and, very fortunately for my own honor, I suppose, I took a receipt for every dollar that went out of the house, be it to one partner or another partner. Every man in the house knew that these things were going on. You have investigated Mr. Kinsella, and he tells you what C. H. I. and C. H. W. mean. I told him about those myself. Now, I come down to the cargo of the *Pericles*. I think it was December 13, 1870, that that cargo was entered in the custom-house and the duties paid there. I was the cashier and book-keeper, and made the calculations. When I drew the check or paid the money, I told David Jackson there must be some mistake about it. There was a difference of 6 cents per 100 pounds. He says, "These things will be settled in the future." I was going to leave the house at that time. He knew very well that I knew that. I waited and waited. I started in business for myself. I think you have a copy of my letter; if not, you can go down to the gas-office and get a copy of it. No settlement had been made with the custom-house at all. It was 507½ tons of salt, at 18 cents per 100 pounds duty. You will see that when I wrote my first letter to the Secretary of the Treasury, it was addressed to Hon. H. S.

Boutwell. That was a mistake, because I didn't recollect exactly what his name was. That was on the 4th of January. I waited, and no reply came. On the 11th, I think—though I am not sure—I wrote to the Secretary of the Treasury again that I had written to him on the 4th, and that I had received no reply. Then, the first intimation I had of it was the duties being paid into the custom-house. I telegraphed then—when I say I telegraphed, I mean for the house—I telegraphed a night-dispatch to the Secretary of the Treasury that an irregularity in the custom-house had been settled, but that we had not been spoken to at all about it. I saw Mr. Kinsella the next morning, and sent another telegram to the Secretary of the Treasury that our dispatch of last night was in error. Mr. Kinsella has been before this committee, and is now investigating this affair. Mr. James Jackson and I went down to the custom-house and saw Mr. Casey. He called in Mr. Crawford, and Mr. Crawford called in Mr. Champlin and some three or four other parties whose names I could not tell you. Mr. Casey said he knew nothing about this affair at all. Mr. Kinsella then proceeded with the investigation, and Judge Durell sent for me. I went to see the judge, and he asked me into his private office; he has got my testimony there; I swore to it. He tried to brow-beat me everything that he could. But previous to this there had been the testimony of two men taken. Barney Finnegan had testified that so far as C. H. W. meant carriage-hire to warehouse, there had never been a carriage come to the warehouse in the last four or five years. Then, Judge Durell was godfather to Mr. William H. Anderson's wife, and Mr. William H. Anderson came into the office to see me, and asked me if I would shut it up. I says, "I have no objection in the world to the thing not going any further than it has; all I want is a fair and square deal in the custom-house, and that I will have, if I have to make the biggest fuss all over the country." Judge Durell didn't say anything more, and there the matter ended.

By the CHAIRMAN:

Q. You say that this occurred in January, 1871?—A. I think it was 1871; I think it was in 1871 we started the partnership.

Q. Were you a member of the house of Jackson, Kilpatrick & Henderson at that time?—A. Yes, sir.

Q. You wrote certain communications to the Secretary of the Treasury, setting forth that a fraud was being perpetrated on the Government?—A. Yes, sir.

Q. Do you know whether any investigation of this matter was made until attention was called to it by the Secretary of the Treasury?—A. I don't think there could have been; they have run along so evenly and smoothly. Certainly it was the Secretary of the Treasury that first caused the balance of the duty to be paid into the custom-house here, because I had a messenger there that saw the gold counted out—the six cents a pound extra that should have been paid—and he told me the amount that was counted out.

Q. Do you happen to know when the first notice was received in the city from the Secretary of the Treasury with reference to this affair?—A. No, sir; only I think it was in due course of mail after our letter of the 4th of January.

Q. Do you know what the particular circumstances under which this balance of six cents was made up?—A. Yes, sir.

Q. Do you know whether Mr. Jackson ever received notice in any way from the custom-house to pay it?—A. He had our letter to the Secretary of the Treasury in his hands and showed it on the street; men have told me that they saw the letter. It is sure he was showing it around.

Q. Have you any knowledge of the fact that a message was sent from the custom-house to notify Mr. Jackson?—A. No; I have no knowledge of the fact. All I know is that I went down to the custom-house, and I heard that he had been sent for. I then put a messenger of my own there that saw the gold paid in and brought me word of the amount. He said there were so many \$20-gold pieces, so many \$10-gold pieces, and just exactly as it stood.

Q. What do you say as to how you happened to know of these entries on the books of David Jackson?—A. They had been going on for three years, and every partner in the house was cognizant of it.

Q. Do you know who made those entries?—A. I made them myself. There is a signature to each one: "Salt account paid C. H. W.," so much. I have got the signature of any one of the partners in the house that might ask me for money. I have got it right in the book.

Q. What voucher did you have?—A. That is the voucher. A man's signature on the cash-book is a pretty good voucher.

Q. Whose signature did you have?—A. My partners' signatures, when they asked me for money. I had their signatures as receipts right on the face of the cash-book—right alongside the entry.

Q. So that this receipt of a partner in the house stood good to you against the entry?—A. Yes, sir; it did.

Q. Was that a common occurrence?—A. It was from the day I went into the house. I had previously been a clerk in the house, and I refused to go back into the house

unless I could have a voucher for every dollar that was paid out. It made no difference to me whether it was one partner or another, or one warehouseman or another. I paid no wages out unless I got a receipt for it.

Q. But against this entry you had no such receipt?—A. Of course I had. I have told you about half a dozen times that I have the man's own signature.

Q. You had it opposite the entry, but you did not have the receipt of C. H. I. and C. H. W., to whom the payments purported to have been made.—A. You may be as good a business man as I am, but if I am cashier of a house and you ask me for \$100, and I ask you what you want me to charge it to, and you tell me to charge it to salt account, and I say: "What specification shall I make?" and you say: "Put down there C. H. W. or C. H. I.," and I turn the cash-book and say: "Give me your signature there and I will give you the money"—that is good evidence.

Q. Did you have any idea, information, or knowledge as to who these parties C. H. W. and C. H. I. were?—A. No, sir; I had not in the first part of it. David Jackson and myself were good friends; we never had had any word of dispute at all. We were both young. It was not like I was a clerk hired at so much, and I jokingly said to him one day: "What do you mean by C. H. W. and C. H. I.?" He said: "That is custom-house inspector." I said no more.

Q. Were you buying anything at that time from the custom-house weigher or inspector, or did you have any knowledge that the house was buying anything from them?—A. No, sir; I had no knowledge of it. There is no entry on the books that would show that there was a dollar's worth bought from the custom-house.

Q. The house was not indebted to these various gentlemen?—A. No.

Q. Have you any knowledge or information as to the consideration which the house received from C. H. W. or C. H. I. for these sums that purported to be paid out to them?—A. No. Mr. D. M. Kilpatrick can tell more about that than I can; he was the outside man.

Q. Do you recollect what the total amount of these entries reached?—A. You will let me give it to you from my recollection?

Q. Certainly; from your best recollection.—A. Mr. Kinsella sent for me and had the cash-book down there. He and I went over these different entries, and I think, to the best of my knowledge, it was somewhere in the neighborhood of \$2,500: but it is a very easy thing to send and get the book.

Q. You do not think it reached the sum of \$3,500?—A. I do not think it did; I may be mistaken; I could not say.

Q. Who was the custom-house weigher at that time?—A. There were a dozen or more.

Q. Was there more than one engaged in weighing salt?—A. I do not think that they ever kept any man weighing salt. One man would do one thing one day and another man another day.

Q. Was either of these custom-house weighers in the habit of visiting your establishment?—A. I could not be positive about it. My position was just this: I came to the office early in the morning, wrote up my books, left at nine o'clock, and did not come back until half past one; so I could not say. Sometimes I have seen custom-house officers there.

Q. I ask in reference to custom-house weighers.—A. I had nothing to do with custom-house weighers; I could not say who they were; I knew the officers who came there to belong to the custom-house.

Q. Were you present at the investigation of this matter made by Mr. Kinsella at any time?—A. I will state if you will explain to me exactly which investigation you mean.

Q. I mean the investigation with reference to the salt received per ship Pericles, and the investigation that you demanded in your correspondence with Secretary Boutwell.—A. Yes, sir; I will tell you all the investigation. The first investigation was that I wanted this thing squared up. I went to Casey about it and he said he did not know anything about it. This was after I wrote to the Secretary of the Treasury. I was given to understand C. H. I. was custom-house inspector, and C. H. W. was custom-house weigher. The next thing I knew was that there was a sworn statement got into the custom-house to Mr. Kinsella that C. H. W. meant carriage hire to custom-house. I then got a man that had been working in the business for twenty years, and told him that Mr. Kinsella wished to see him. I went down with him and Mr. Kinsella swore him, and he stated there that he had never known a carriage come to the warehouse. The general way was that the horse-cars run back and forth right behind the custom-house, and all you have to do is to step into a car and when you get up to the custom-house to step out, and you were there. Then at the next investigation Mr. Kinsella sent for me and said he had a book; I went over the book and showed it to him. The next time he sent for me and said Judge Durell wanted to see me. The judge got down off of his bench and asked me to come into his private room. I went in there and he cross-questioned me a great deal, and he had my testimony written down. He said afterward to me, "Do you know how high you stand in this commu-

nity?" I said, "What do you mean? I stand about five feet six, I should think." He said, "You must not talk that way to a judge." I said, "You are a judge, and I am a witness, and you have no right to browbeat me in that way." He said, "I don't want any more of your talk." I said, "Very well, if my testimony is ready, I will sign it." That was the last of it.

Q. Did you ever know a gentleman by the name of Rousseau in the custom-house?—A. No, sir; I was a friend of Kilpatrick's. Kilpatrick had me to go down and make affidavit before Mr. Kinsella or Judge Durell, I do not know which. I saw the man twice in my life and that is all.

Q. There was then, to your knowledge, no settlement of the balance due the Government by Mr. Jackson until after you had written to the Secretary of the Treasury, and until information had been received from the Secretary of the Treasury of an intention to investigate?—A. I could not say that information had been received. I said, in due course of mail, it was time that information should be received.

By Mr. WOODBURN:

Q. What time did the ship *Pericles* arrive in New Orleans with that salt?—A. It was in December, 1870; I could not give you the exact date, because sometimes a ship comes into the month and it may be a week before she gets up.

Q. To what house was the salt consigned?—A. To Jackson & Manson.

Q. Were you connected with that house?—A. I was clerk for it.

Q. How long after the arrival of this ship with this cargo did you ascertain that the duties were not paid on the salt?—A. You should not put the question to me in that way. I could not say how long after the arrival of the ship. You should say after entering the custom-house. The first thing I knew about entering the custom-house, or the arrival of the ship, or anything else, was that I would buy a check for so much gold for the duties.

Q. What were the duties on salt per hundred pounds?—A. Twenty-four cents per hundred-weight in sacks, and eighteen cents per hundred-weight in bulk.

Q. What did your books show in reference to the amount of duties paid by that house on the salt?—A. The books showed so much duty paid on 507½ tons of salt.

Q. Did they show the full amount?—A. The entry there was, "Paid duty on *Pericles* cargo."

Q. The full amount was not entered?—A. No.

Q. You made the entries yourself?—A. Yes, sir.

Q. By whose directions?—A. I drew the check, or paid the money, I do not know which; and I immediately called attention to the fact that something was wrong.

Q. Whose attention did you call to it?—A. Mr. David Jackson's.

By the CHAIRMAN:

Q. Did you make the entry at the custom-house for the firm?—A. No.

By Mr. WOODBURN:

Q. What did Mr. David Jackson say?—A. He said it would be settled up.

Q. Did you ask him in what way?—A. No.

Q. How long had you been in the employ of this house before the entry of this ship in the custom-house?—A. When I came home from the war I went to the house of Jackson & Manson, an old house in which James Jackson and Charles Manson were partners. David Jackson came into the house on the 1st of June, 1867, I think, but before he came in I left. I went back again as clerk about twelve months afterward, I think.

Q. During the time of your connection with that house, and prior to the entry of this cargo at the custom-house, did you ever make any entries for less duties than were owing upon cargoes of salt consigned to that house?

The WITNESS. You mean to speak of custom-house entries?

Mr. WOODBURN. Yes.

A. I had nothing to do with that part of the business.

Q. This was the first entry of that kind you made?—A. I never made any.

Q. I understood you to say that you made the entry on the book?—A. The entry on the cash-book and the entry in the custom-house are two different things. I had nothing to do with the custom-house entry.

Q. Did you see the entry on the custom-house book?—A. No, sir.

Q. Did you ever converse with anybody who did?—A. No, sir.

Q. Your suspicions were excited when you gave this check for the duties on the salt?—A. I know well enough that if you buy one hundred barrels of flour at seven dollars a barrel, and only pay \$300, you still owe \$400 more.

Q. And that there is something wrong about it?—A. Yes, sir.

Q. Did Mr. Jackson say anything to you about the entry in the custom-house when you got the books?—A. No, sir.

Q. All he said was that this matter would be settled up?—A. Yes, sir.

Q. Was that the only transaction of the kind that occurred in your connection with the house of Jackson?—A. Yes, sir.

Q. When did your connection with the house cease?—A. On the night before I started in business for myself, I took off a balance-sheet from the book at night, and went into business for myself next morning.

Q. In the same character of business?—A. Yes, sir.

By the CHAIRMAN:

Q. What day of the month?—A. It was the 31st of December.

By Mr. WOODBURN:

Q. When you started in the same business you were anxious that the full duties should be paid by that and other houses in New Orleans in similar business?—A. Yes, sir.

Q. That was the reason of your interest in the matter?—A. Yes, sir.

Q. Was it then that you wanted the matter investigated, when you went into business for yourself?—A. I went down to the custom-house and found that there were no more duties paid on that cargo, and I knew that they had not been paid on the 31st of December, because I held the cash.

Q. How long after the entry in the custom-house was it that you ascertained that the full amount had been paid?—A. It was on the arrival of a letter from the Secretary of the Treasury.

Q. I am asking about the length of time.—A. I am going to give you the length of time. I wrote on the 4th and wrote again on the 11th. The letter of the 11th came back here, and it was probably the 13th. The chairman has a copy of the dispatches.

Q. How many days?

The WITNESS. Since when?

Mr. WOODBURN. From the time that the entry in the custom-house was made until you ascertained the full amount of duties was paid?—A. I think it was nearly a month.

Q. What amount of duties were paid at the time you had the conversation with Mr. Jackson, in that house, and this check was given?—A. For the exact difference—six cents on the hundred pounds.

Q. To what particular person was that money paid?—A. I drew the check; the house signed it, and the gold was paid into the custom-house; the permit was brought out and sent up to the warehouse, the same as all business is done.

Q. Was there any excuse made by Mr. Jackson at that particular time that he was pressed for money, and that he could not very well pay the amount of the tax?—A. No, sir; we always had plenty of money—too much money.

Q. Did you tell him you were going to quit about that time?—A. I certainly did.

Q. You did not think it practicable to investigate the matter while you were in the employment of the house?—A. No; he knew that I knew it. It was his business to attend to it and not mine.

Q. How soon after you started in business to yourself did you write to the Secretary of the Treasury?—A. I think the letter is dated the 4th of January.

Q. Did you receive an answer to that?—A. No, sir.

Q. Do you know if the custom-house had any information from the Secretary of the Treasury in relation to the matters that you wrote about?—A. I think that Mr. Kinsella has already testified that—

Q. I am not asking you about the testimony of Mr. Kinsella. I want your own knowledge.—A. I am not in the custom-house, and, therefore, I do not know of my own knowledge.

Q. At the time the full amount of duties was paid, do you know whether the custom-house had any information from the Secretary of the Treasury in relation to the amount of money that ought to have been paid, and was not paid, by that house?—

A. Excuse me; you put the question to me, at the time the balance was paid, have I any knowledge or reason to believe that the custom-house was then trying to settle up the deficit.

Q. By reason of any information that came from Washington.—A. You put the question to me in that way, and I say yes. It was done in too big a hurry for a man with his eyes open not to see it.

Q. Explain why.—A. It was the due course of mail. I was watching whether the duties were paid. I got no answer from the Secretary of the Treasury at all. I saw the gold going down to the custom-house, and I sent a man to see what was paid in, and he saw just the exact amount.

Q. Did you make any inquiry at that time as to why this money was being paid in in this hurried manner?—A. Mr. Kinsella told me it had been paid.

Q. What position did he occupy?—A. He was special agent of the Treasury Department.

Q. Was he detailed to attend to this express business?—A. I do not know his business. I know that is what he was.

Q. You made no inquiry from any other officer of the custom-house, except Mr.

Kinsella?—A. No, sir. You ask me such funny questions. You know well enough if I thought you were stealing from me I would not ask you whether you were stealing or not. I know how these things are done.

Q. Do you know of any other transaction of that kind being perpetrated by that particular house?—A. No, I think not. The conversation I had with Mr. Casey was this: I said, "Mr. Casey, I don't come down to raise a fuss with you, but I am trying to make an honest living, being engaged in business, and I cannot let another man, who is my only opponent in the town, get from the Government 15 cents per bag," (which is a very fine profit.)

Q. Mr. Casey then told you that he knew nothing about it?—A. Mr. Casey told me that he knew nothing about it, and he called up Mr. Crawford and Mr. Champlin and two or three others, and I told them all that I did not come to raise any fuss, but that I wanted it stopped.

By Mr. NEW:

Q. Did you find out whether any of them knew anything about it in the custom-house?—A. Of course they said they did not, but there was one man discharged from the marine department.

By Mr. WOODBURN:

Q. Does it not happen very often that there is a subsequent settlement between the custom-house and merchants in reference to duties on cargoes?—A. I do not like to be forced to tell you the way of doing business in the custom-house.

Q. Has not that happened very often?—A. The question has got to be answered yes, but I want to put it right.

Q. Let it be yes; and now make any explanation you desire.—A. You go down there and enter any goods, I do not care what. The *ad valorem* duties are so much, and the value of the invoice is so much. The first thing that is done when you take it out of the custom-house is that you have to pay the *ad valorem* duty, or specific duty as it stands on that invoice. You have never seen the goods yet. When the goods come out they may be short, or over. For instance, salt; put five hundred tons of salt on board ship in Liverpool. If it is coarse salt (common salt) you will find it on the invoice five hundred tons, but that weight will not be there, because it will have evaporated or drained out. You have paid for what went in at the Liverpool custom-house. When they weigh it here they will give you what they call a rebate in the duty. If you put in a thousand pounds and it only turns out here eight hundred, of course the custom-house give you the benefit of the two hundred pounds that are lost.

By Mr. VANCE:

Q. Does the custom-house always collect enough in the first place?—A. At first they will give you no credit; they collect all and then pay back the rebate.

Q. Then these settlements are rebates that are made?—A. Yes, sir.

Q. If you can satisfy the custom-house that you have paid too much by reason of the shrinkage of the salt, or whatever it may be, they sometimes refund?—A. Your merchant in Liverpool puts aboard a ship one thousand pounds of salt. This comes before the consul at Liverpool and the consular certificate is made out on the invoice. One copy of that, to the best of my knowledge, comes to the custom-house here, and the other copy comes to you. When it arrives here perhaps you do not want to put all the salt into a bonded warehouse, but want it entered for consumption and want to take it right off. When you take your invoice down there they do not let you say "I believe there is only eight hundred pounds of salt there, and here is the consul certifies that there is one thousand pounds; give me the money for the difference." But you have to pay the whole amount. The salt goes to the weigher and he weighs it; when he weighs it he is supposed to weigh 10 per cent. of it. He then carries it down to the head weigher, from whom it goes to the deputy surveyor's office. From the deputy surveyor's office it goes to the liquidating office; after that it goes to the naval office. After that it comes back to the liquidating office, and then it is entered upon some book, I do not know what you call it, and there is written on the face of it in red ink that there is due so much. Then there is a clerk who writes out a certificate that you have paid so much, and that there is so much coming to you, and draws you a check for it and notifies you that there is a check for such and such amount awaiting you.

By the CHAIRMAN:

Q. How much time is it customary to allow to complete the liquidation of an entry of salt, from the date of such entry?—A. It depends entirely how politics run and whether there is sufficient force on hand to work it up. Sometimes those custom-house clerks are worked until 12 and 1 o'clock at night, and they cannot put the document through. Any ship-agent in the city of New Orleans will verify what I say, that sometimes it is almost a matter of impossibility to get the correct returns of salt because the freight is paid on the weight it turns out here. The bill of lading reads that way, so many shillings per ton delivered, and of course you cannot pay the duty until you know how much it is.

Q. Had you before you the entry of this salt?—A. No, sir; the invoice came to the custom-house and it has to be sworn to.

Q. Do you know how the entry was made, whether for tons in bulk or in sacks?—A. I do not know. There is a certain printed form to guide you, and if you do not go by that, you do not get it through the custom-house. Those forms are printed by regulation of the United States Congress.

Q. You do not know how the entry was made, whether as of salt in bulk or in sacks?—A. I do not know.

Q. (Handing papers to witness.) Look at those letters and see if they are copies of the letters you sent to the Secretary of the Treasury.—A. They are.

The following are the letters referred to:

“NEW ORLEANS, January 4, 1871.

“DEAR SIR: It has come to our knowledge that the salt imported in the ship *Pericles*, consisting of 507½ English tons of 2,240 pounds each, filled in 5,582 sacks, was entered in the custom-house at this port at 18 cents per 100 pounds, viz, 507½ tons of 2,240 pounds gives 1,136,800, which at 18 cents per 100 pounds gives \$2,046.24, the amount of gold *actually paid* into custom-house on the 14th day of December, 1870. From that time until the 1st of January, 1871, no further payment was made. On all salt in sacks, which our firm has imported, we have paid the regular tariff rate, 24 cents per 100 pounds. We have made no effort to have this matter rectified by your officers at this port, as we feel fully satisfied that *something is wrong*, and we respectfully ask an investigation at your hands, and will furnish further facts in regard to this matter and throw some light upon the manner in which the duty is paid upon salt imported into New Orleans, when called upon. Awaiting an early reply,

“We remain, very respectfully, yours, &c.,

“JACKSON, KILPATRICK & HENDERSON.

“Hon. H. S. BOUTWELL,

“*Secretary of the Treasury, Washington, D. C.*”

“NEW ORLEANS, January 13, 1871.

“DEAR SIR: We wrote you on 4th instant stating that there was an entry in the custom-house here of salt per ship *Pericles* from Liverpool, which we did not understand. As said letter was addressed H. S. instead of Geo. S., and as we have received no reply, we herewith inclose a copy and ask an early investigation, that honest importers may be protected.

“We remain, very respectfully, yours, &c.,

“JACKSON, KILPATRICK & HENDERSON.

“Hon. GEORGE S. BOUTWELL,

“*Secretary of the Treasury, Washington, D. C.*”

Q. (Handing another paper to witness.) See if that is a copy of telegram you sent to the Secretary of the Treasury.—A. That is a copy of the telegram.

The following is the telegram referred to:

“NEW ORLEANS, January 13, 1871.

“Our letter of 4th instant was handed to entry-clerk at custom-house this day, and immediately the importers of *Pericles* cargo salt were notified, and the deficit was paid. We have not been called upon, and being in possession of proofs of fraud in the custom-house, we demand an investigation, and will be compelled to publish unless thoroughly investigated.

“JACKSON, KILPATRICK & HENDERSON.

“Hon. GEORGE S. BOUTWELL,

“*Secretary of the Treasury, Washington, D. C.*”

Q. How long after the entry of this salt was it before the correction was made in the amount of duties that was due the Government?—A. It was on December 13 or 14, and it was one month. I sent off a telegram to the Secretary of the Treasury as soon as I saw the gold paid into the custom-house. It was a night dispatch. The next morning I sent him another dispatch, saying that Mr. Kinsella had been to the office, but that I had not seen him, or something to that effect. I think the other dispatch reads in about this way: “Our telegram of last night was in error. Mr. Kinsella has been to our office, and is now investigating the salt transaction.” That is the purport of it as well as I recollect. It has been some four or five years ago now.

Q. Do you know whether Mr. David Jackson is now or ever has been in any way employed in the custom-house?—A. No; I do not know whether he was ever employed there or not. I do not think he was. He affiliated with them. You know the great majority of the merchants down here do not belong to that party, and it is somewhat

remarkable to see a merchant affiliating with men in the custom-house—going to the lake with them, or driving with them, or anything of the kind. I do not think there are more than half a dozen merchants in the whole western produce and grocery business that belong to that party.

By Mr. CONGER :

Q. Do you know why?—A. I only know why because they were always democrats since I have been a boy.

Q. I ask you why they do not belong to that party?—A. This was always a democratic city, and it is natural that it should be so. If you are raised one way you remain that way.

Q. Then the business men here do not generally belong to the republican party?—A. Very few of them.

Q. Do you know of any general business importers, and such men, that do?—A. O, yes, sir. We had a man here, very highly respected, General Cyrus Bussey.

Q. Then if there has been any smuggling done it has not been done by republicans?—A. O, no; by democrats.

By the CHAIRMAN :

Q. Are you acquainted with any attempt to smuggle or defraud the Government besides this particular transaction?—A. No, sir. The custom-house officials, of course, belong to the republican party. You can't get an appointment there unless you are a republican. I have heard a great deal of talk, but that is no proof, you know.

NEW ORLEANS, *June 13, 1876.*

JAMES C. WARDEN sworn and examined.

By Mr. NEW :

Question. Where do you reside?—Answer. In this city.

Q. How long have you lived here?—A. Since 1866.

Q. Have you ever acted as deputy United States marshal in this State?—A. Yes, sir.

Q. Did you have a commission?—A. Yes, sir; I received a commission up in the country. I do not recollect exactly who I received it from. There were four or five deputies, and I got mine at the same time they got theirs.

Q. From whom did you receive it?—A. I think Mr. Melville gave me mine.

Q. Do you know who caused it to be issued to you?—A. I suppose Senator Allain.

Q. In what year was this?—A. Eighteen hundred and seventy-four.

Q. Did you have any conversation with Senator Allain about it before you received the commission?—A. Mr. Allain said he was going to procure mine for me.

Q. And afterward you received a commission?—A. Yes, sir.

Q. By whom were you paid for that service?—A. By Mr. Allain.

Q. How long was it from the time you received the commission until after the election? In other words, about when did you receive your commission?—A. Three or four days before the election.

Q. Where were you when you received your commission?—A. At West Baton Rouge.

Q. Where was your home at that time?—A. In New Orleans.

Q. How did you happen to be at West Baton Rouge when you received that commission?—A. The commissions were sent there all together, I believe.

Q. Was it understood between you and Mr. Allain before you went up there that you were to receive the commission?—A. Yes, sir.

Q. And about how long before you received the commission was it that you went up there, as nearly as you can remember?—A. I was up there altogether about ten or twelve days.

Q. Was there any arrangement or agreement between you and Senator Allain as to what you were to do? What talk did you and he have upon the subject before going, on the way, or after you got there?—A. I was to act as United States deputy marshal on the day of the election.

Q. What were you to do for him, if anything?—A. I was to look out for his interests, I suppose.

Q. What did he say to you that he wished you to do?—A. He wanted to have a fair election. There were two republican factions up there at that time.

Q. Was he a republican himself?—A. Yes, sir; he wanted to have a fair election, and wanted us to look out for his interest.

Q. A fair election as between his faction and the other republican faction, do you mean?—A. Yes, sir.

Q. Do I understand from you that he apprehended no interference toward himself except from the other republican faction?—A. It is conceded to be a republican parish.

Q. What did he tell you that he wanted you to do, if he gave you any direction or information as to what he wanted?—A. That was about all.

Q. What did you do after you got up there, and before you received your commission?—A. I did not do anything.

Q. Where did you stay?—A. We boarded in East Baton Rouge.

Q. You were there some six or eight days before you got your commission?—A. I do not recollect.

Q. You said you got there ten or twelve days before the election?—A. I suppose I was in West Baton Rouge some ten or twelve days.

Q. You must have been there some five or six days before you received the commission.—A. I do not know that I was there that long.

Q. What did you do there during that time? Did you electioneer any for Mr. Allain during that time?—A. I did not attend only one meeting; that was at the court-house where I was stopping—at the headquarters.

Q. Was that before you received your commission?—A. I cannot tell about that. I do not know whether I had received it or not. I know the commissions were all dated. I got mine at the time it was dated.

Q. Did you go around through the parish to places where he had appointments?—A. No, sir; I did not.

Q. Did you after you got your commission?—A. No, sir.

Q. Did either of the other deputy marshals do that?—A. Yes, sir; but I did not.

Q. How did it happen that you did not go?—A. He did not take me; he took the others through the parish. I was only at the court-house and Lobdell's store.

Q. Was there any reason given for not taking you with him?—A. No, sir; he had two or three going with him all the time.

Q. What did he want with you at all at that time, if you know?—A. I suppose I was there to act as deputy marshal on the day of the election.

Q. What were you doing before the day of the election came round?—A. I did not do anything.

Q. You were just sitting around?—A. Yes, sir.

Q. Did you let folks know that you were a United States deputy marshal?—A. I did not tell any one until the day of the election.

Q. Did you have a badge?—A. Yes, sir; on the day of the election.

Q. Did you wear it before the day of the election?—A. No, sir.

Q. From whom did you receive your badge?—A. I think we got our badges and commissions all at the same time.

Q. Did you electioneer for him, or talk in his interest up there before the election, or on the day of the election; and did you tell the people you thought they ought to vote for him?—A. I believe I did; I did not do much electioneering either.

Q. If you did any it was of that kind?—A. Yes, sir.

Q. Was it not understood between you and Senator Allain that you were to electioneer for him?—A. The understanding was that I was to look out for his interests.

Q. And was it not understood between you and him that you were to talk in his favor?—A. I suppose that was the understanding.

Q. And you did do something of that before the day of the election, did you not?—A. If I did any talking in reference to politics at all, it was in his favor as a matter of course.

Q. Did you not do some talking before the day of the election in his favor?—A. I suppose I did.

Q. And also on the day of the election?—A. No, sir; I did not interfere with the election on the day of the election.

Q. You did not say anything *pro* or *con* on that day?—A. No, sir; I was acting as United States deputy marshal only.

Q. What did you do as United States deputy marshal?—A. I tried to preserve the peace.

Q. Was there any disturbance?—A. No, sir.

Q. Everything went off quietly?—A. Everything went off quietly.

Q. No trouble at all?—A. No trouble.

Q. Who paid you for your services?—A. Mr. Allain.

Q. How much did he pay you?—A. \$75.

Q. Have you ever received anything from the Government for that service?—A. No, sir.

Q. You never claimed anything?—A. I never claimed anything.

Q. It was understood that Mr. Allain was to pay you for what you did?—A. Yes, sir; and he was the one we looked to for our pay.

Q. Have you your commission now?—A. I had it in my possession, but I cannot find it.

Q. Have you looked for it?—A. Yes, sir.

Q. It is a regular deputy United States marshal's commission, is it?—A. Yes, sir.

Q. Signed by whom?—A. Signed by United States Marshal S. B. Packard.

Q. Have you ever been requested to return that commission?—A. Yes, sir; I got notice to return it.

Q. From whom?—A. It was either signed by the deputy or the United States marshal, I forget which.

Q. Did it purport to come from the marshal's office?—A. Yes, sir.

Q. Have you that letter with you?—A. No, sir.

Q. Have you it in your control or possession?—A. I had it, but cannot find it. I looked for it Sunday.

Q. State the contents of that letter, as nearly as you can.—A. The purport of it was that they wanted me to return the commission.

Q. In the letter that you received was there any printed matter?—A. I do not recollect.

Q. Did you get that letter by mail, or was it delivered to you by some one in person?—A. It was delivered to me by some person.

Q. Where were you when it was delivered to you?—A. I was somewhere on the street, in this city.

Q. You did not return the commission?—A. No, sir; I omitted to do so.

Q. Have you made thorough search for it?—A. Yes, sir.

Q. You were asked more than once to return it?—A. Yes, sir.

Q. Your employment as United States deputy marshal, if I understand you, was obtained wholly through Senator Allain, so far as you know?—A. So far as I know; yes, sir.

Q. The marshal never approached you upon the subject?—A. No, sir.

Q. He never told you that he wanted you to serve?—A. No, sir.

Q. Nor did any of his deputies under him?—A. No, sir.

Q. Did you ever receive a letter or communication from the marshal, asking you if you would serve?—A. No, sir.

By Mr. CONGER:

Q. There is a law authorizing the appointment of marshals at election times in this State, on the application of persons anticipating that there may be trouble, is there not?—A. I believe there is such a law.

Q. And they cannot be paid except in cities of 20,000 inhabitants and upward?—A. That is the way I understand that law.

Q. You are aware of the existence of that law?—A. Yes, sir.

Q. You went to serve as such deputy marshal during that election, and were paid by a private person—Senator Allain?—A. Yes, sir.

Q. And not paid by the Government?—A. And not paid by the Government.

Q. You were violating no law, so far as you know?—A. So far as I know, I was not.

Q. You acted in conformity with the law in being appointed marshal to preserve the peace?—A. Yes, sir.

By the CHAIRMAN:

Q. Were you a citizen of that parish or neighborhood where you acted as deputy marshal?—A. No, sir; I am a citizen of New Orleans.

By Mr. NEW:

Q. Were either of the other deputies citizens of that parish?—A. I believe James Clark was, and there was another gentleman up there.

Q. I mean all those deputies who co-operated with you for Mr. Allain. Were either of those deputies, besides Clark, citizens of that parish?—A. I believe there were several deputies lived up there.

Q. I mean deputies whose appointment was secured by Allain?—A. Yes, sir.

By Mr. CONGER:

Q. The law authorized the appointment of general deputies at large who were not citizens of the parish where they were stationed, did it?—A. Yes, sir.

Q. And confined the appointment of certain special deputies to inhabitants of the parish?—A. Yes, sir.

Q. You were appointed a special deputy, were you not?—A. I believe I was.

Q. When you say you were asked to return your commission, was not that simply a notice to you that your appointment was revoked?—A. Yes, sir.

Q. It did not ask you to return the paper, did it?—A. I believe that was the request.

Q. It was a notice that your authority as general deputy marshal was revoked?—A. I understood that my commission ceased the day after the election.

By Mr. NEW:

Q. You say you were appointed as a general deputy; do you remember that your commission contained any such language?—A. I cannot tell what it contained.

Q. Do you pretend to be able to state what the law is upon the subject; have you

ever examined the law itself to know what it is upon the subject of the appointment of deputies and their duties?—A. No, sir; I cannot say I have.

Q. When you answered Mr. Conger's question "yes," you do not wish to be understood as saying that you yourself knew what the law is upon the subject?—A. I know in reference to marshals getting pay. There must be an incorporation of 20,000 inhabitants to get pay from the Government.

Q. Were there 20,000 inhabitants at either of the precincts where you operated?—A. No, sir.

Q. You do not remember then, do you, the exact contents of the letter that you received after the election, but you do remember that it was a request, at least, to return the commission?—A. Yes, sir.

Q. You remember that distinctly, do you, that you were requested to return your commission?—A. Yes, sir.

Q. You understood, you say, from the letter that your functions had ceased?—A. Yes, sir.

Q. Did they not cease, by the very terms of your commission, after the election was over?—A. The way I understood my commission, it was only good for the day of the election.

Q. Why did this letter request you to return the commission?—A. I cannot explain that.

By Mr. CONGER:

Q. Did your commission appoint you deputy marshal generally without any particular duties?—A. It was a commission for a deputy United States marshal, and I suppose it was a general one.

By the CHAIRMAN:

Q. When was the first time you ever heard of the law with reference to general and special deputy marshals, if there is such a law?—A. I heard of it several years ago; I suppose, six years ago.

Q. You knew, then, that there was such a law for the appointment of deputy marshals, general and special? I do not mean when you first heard of the law that deputy marshals should be appointed, but I mean when was the first time you ever heard of the law that permitted deputy marshals to be appointed both special and general. Do you know now that there is such a law?—A. I do not know; it was some years ago, I suppose.

Q. Were you appointed a deputy marshal for this special duty, or were you given a commission to roam at large?—A. I could not state.

NEW ORLEANS, *June 13, 1876.*

GEORGE CRONAN sworn and examined.

By the CHAIRMAN:

Question. What is your residence?—Answer. 83 Claiborne street, New Orleans.

Q. Have you had of late years a contract with the Federal Government or any officer thereof?—A. No, sir; not myself. My nephew had a contract with the Government, in which I was interested.

Q. Were you a party in interest?—A. I furnished the money to carry on the contract.

Q. Who were the parties to that contract?—A. Dennis Cronan, jr., a nephew of mine.

Q. Who else?—A. Nobody except myself.

Q. And the Government of the United States?—A. Yes, sir.

Q. Who represented the Government?—A. The Treasury Department, I presume. Colonel Morse represented the Government here.

Q. Have you a copy of that contract?—A. No, sir; I do not recollect where it is.

Q. Did you ever have a copy of the contract?—A. Yes, sir.

Q. What were the specifications of that contract? State the character of the contract.—A. It was to furnish the iron roof of the building and the iron-work in the interior, over the collector's room and over the vestibule as you enter on Canal street. Those were the principal features of the specifications.

Q. What was the amount of money involved in the contract?—A. I think it was 58,000 and odd dollars; I do not recollect the odd dollars.

Q. Did you complete the work according to the specifications?—A. Yes, sir.

Q. Were you paid the amount for which you had contracted?—A. We were paid the amount less a deduction of \$1,568 or \$1,578 by the Government.

Q. What was the cause of this deduction being made?—A. The Government had steam-engines at work there, and the gentleman in charge of the work there proposed

to hoist the iron to the roof, and stated to me that the cost would be trifling. So I agreed that they should do it. I calculated it would cost me \$400 or \$500, and the deduction that they made was 1,500 and odd dollars for the labor they had to furnish, and the use of the machinery in hoisting.

Q. How could those gentlemen make such a deduction at that time, when according to the original contract you were to receive \$58,000 when the work was completed?—

A. The gentleman there proposed to hoist the iron from the sidewalk to the top of the building on the roof, as they had the steam-engines there, which were sometimes not working at other things, and between times they could do so. He stated that it would not cost much, and I was glad at the time to have the iron hoisted on the roof.

Q. Did you receipt for the \$58,000, less the deduction of \$1,568?—A. I receipted for the amount, less that. My nephew receipted it. The contract was in his name. I did not sign the receipt myself.

Q. You knew, though, that your nephew did sign the receipt?—A. Yes, sir; he and myself objected to the amount that was deducted at the time, considering it very large.

Q. Then why did you receipt for it if you considered it too large?—A. We were glad to get a settlement; we wanted the matter closed up.

Q. You are quite clear that the contract as receipted by you showed that this deduction had been made for the Government?—A. I am not positive as to that; I recollect that we received the amount of the contract, less this deduction, but I never got a bill or receipt of it. I do not know anything more than the book-keeper stated—that that was the amount to be deducted. He was not on very friendly terms with us at the time, and we were desirous of closing the matter up.

Q. How much did you say it would have cost you?—A. I calculated it would have cost us between four and five hundred dollars if we had done the work ourselves.

Q. This receipt that is signed by you, if signed at all, should be for the full amount of \$58,000?—A. \$58,250 I think is the amount.

Q. You do not know what became of this deduction?—A. No, sir; I do not. Mr. Brown, a clerk there, came to me and asked me for \$3,000, but I refused to give it to him. That was when I had been at work there about two months. He told me if I did not give it to him I would be the loser. I answered him in these words: that I intended we should comply with the contract, complete our work in accordance therewith, and the Government would pay us; and I refused to give him any money. After that he was not friendly to us.

Q. Did you ever buy any iron or material from any of the officers in the custom-house?—A. I bought some wrought iron of the assistant superintendent to the amount of \$250, I suppose, and I paid him.

Q. Did you give him a receipt?—A. No, sir; I gave him the money.

Q. Did you ask him for a receipt?—A. At the time I asked him for one, and he said not to mind, that it was all right.

Q. What was his name?—A. J. Sypher. That is the only transaction I had with him in regard to it.

Q. Do you know why he declined to give a receipt?—A. No, sir; I did not press him for it; I took his word of honor for it, considering him a gentleman.

Q. Was there any objection at any time while you were performing the work under this contract to approve your work when done?—A. No, sir; I complied with the conditions of the contract, and no objection could be made.

Q. There never was any objection on the part of the officials who were required to approve your work, as to whether you had complied with the terms of the contract—no disposition to hold off or refuse to approve your work?—A. None, sir; only by this gentleman who was acting as clerk or book-keeper. He stated to me that he had charge on some occasions, and made some objections, but I paid no attention to them. I did not recognize his authority, and considered that Colonel Morse and Mr. Sypher were the gentlemen I had to deal with.

Q. Do you recollect whether any tarpaulins were, at any time, hired to cover the cupola or upper part of the custom-house?—A. I recollect when I was working there that there were tarpaulins used there, but anything more than that I do not know. I was attending to the execution of the iron-work.

Q. You do not know from whom those tarpaulins were hired?—A. No, sir; I know that the assistant superintendent, Mr. Sypher, had charge of them at the time, and gave orders in regard to them, but where they came from or how they came there I know not.

Q. Do you know how many there were?—A. No, sir.

By Mr. NEW :

Q. Did you pay any money, or did your nephew, to your knowledge, pay any money to any person for obtaining this contract for you?—A. I did not, and he did not to my knowledge. Our proposal was a sealed proposal, and we were notified that we were the lowest bidders. It was the third time we had proposed for iron-work, and each time we had lost the contract and were notified that our bids were not accepted; but

on this occasion we were notified by either Colonel Morse or Captain Sypher that our bid was the lowest and was accepted.

Q. Were either of you approached or talked with with a view to pay any other person or persons anything for assisting you in getting the contract?—A. There was a gentleman by the name of W. W. McCullough frequently came to me and said that he had great influence; that he gave assistance in getting that contract, and intimated to me that I ought to pay him some money. I refused to pay anything. On one occasion he borrowed \$20 of me in front of the Orleans Bank. He said he was badly off, and I gave him a check for \$20, but I refused persistently to give him any money or have anything to do with him, because I had no faith in him.

Q. You were not asked by any other person or persons, nor was your nephew to your knowledge, to pay anything in connection with the contract for any favors received, or assistance given, or that was represented to have been given, toward the obtaining of this contract?—A. No. There was one gentleman connected with the Government asked me to give a portion of the work to a friend of his in that line of business, who was a republican, and I did so. He executed the work, and I paid him in cash for the work.

By Mr. WOODBURN:

Q. Was Mr. McCullough an officer of the Government?—A. No, sir; he was an outsider—what they call a “striker,” one of those flag-walkers that want to speculate on men who do work. He has held a position as recorder under the Government since.

Q. Do you know to whom the material belonged that you paid \$250 for?—A. No, sir, I do not. I got it from the custom-house.

Q. At the time the proposition was made to hoist your iron to the roof by steam, was anything said then as to what should be the amount of the deduction?—A. No, sir; I proposed to pay for the hoisting myself.

Q. Without any amount being specified?—A. No amount was specified.

Q. It was only when the contract was completed that the \$1,578 was insisted upon as a reasonable amount for reduction?—A. Yes, sir; and at the time the proposition was made I said I would pay for whatever was expended on the work. I completed the contract, and I was paid less than the amount. I do not know what the details of the deductions were.

NEW ORLEANS, June 13, 1876.

JOHN L. GUBERNATOR sworn and examined.

By the CHAIRMAN:

Question. Is your residence in the city of New Orleans?—Answer. Yes, sir.

Q. What is your occupation?—A. I am in the timber and lumber hauling business.

Q. Have you now, or have you had at any time, any contract with any officer or employé of the Federal Government for hauling goods in this city?—A. I had a contract with the collector of the port. It was for the general-order hauling. I held the contract until about last March.

Q. Do you mean that you had the contract with Mr. Casey?—A. Yes, sir; that is, I made application to Mr. Casey in writing, and was told by Mr. Champlin, the deputy collector, that the contract had been awarded to me, and he notified me to have the necessary wagons bonded to do the work, which I did. Each wagon was bonded for \$5,000.

Q. Were the prices at which hauling was to be done set forth in this contract?—A. No, sir; the prices were governed by the rates fixed by the chamber of commerce as applicable to other hauling of merchandise.

Q. Did you perform the obligations of the contract on your part, according to the stipulations of the contract?—A. I did all the hauling that I was requested to do by the officers in charge of the various vessels at the time they were discharging.

Q. Were you paid in full according to the terms of the contract?—A. I was paid in full for the work performed. The contract did not stipulate anything. The hauling was governed by the rates fixed by the chamber of commerce.

Q. Was there no rate provided for in the contract?—A. No, sir; there was no written contract between us.

Q. Did you ever in any manner, at any time, to any employé of the Government, and particularly to Mr. Champlin, give any consideration whatever for the approval of this contract?—A. Not one cent, sir. I never promised anything and I was never asked anything. It was purely a matter of friendship on the part of Mr. Champlin to get me that work. He asked me one day, in a casual way, if I would like to do it; I told him that I knew nothing about it and did not know what it would require. He explained it to me, and in a few days afterward I told him I thought I could do it in connection with my other business.

Q. Did you ever use any other than your own wagons in this business?—A. There were some wagons bonded in my name.

Q. Do you know who owned those wagons?—A. Mr. Palmer had some wagons bonded in my name, and he did some hauling and got paid for it the same price I did, I presume; I do not know anything about that; he never said anything to me about it. I paid him myself for some that he did, and I think he got paid by the paymaster at the custom-house for what he did besides.

Q. Do you know whether the Transfer Company have had any wagons bonded in your name?—A. Not in my name; never.

Q. Do you know whether any wagons were ever bonded in your name that did not belong to you?—A. I have just stated that Mr. Palmer had some wagons bonded in my name; and Mr. Walker also had some wagons bonded in my name; that is, he gave me his city-license and permitted me to bond them in my name, and when I had more work to do than I could do with my wagons I would call upon him, and he got precisely the same price that I got.

Q. Do you know of any other parties owning wagons which were bonded in your name?—A. Yes, sir; you were speaking about the Transfer Company. I beg pardon. I thought you had reference to another company. They did their hauling for all goods consigned to them for transportation. C. T. Burdeau was the agent for the Transfer Company at that time.

Q. Was he the agent for the Mississippi Valley Transportation Company?—A. No, sir; he was not at that time.

Q. But he was the agent of the New Orleans Transfer Company, whose wagons were in your employ?—A. I believe he was at that time.

Q. Do you know whether or not the collector of the port was interested in this Transfer Company?—A. I only know from report. I heard that he had stock in it. I do not know anything about that of my own knowledge.

Q. How many of these wagons were bonded in your name that belonged to the Transfer Company?—A. I cannot tell you; there were 8 or 10, I think, as near as I can remember.

Q. How long were they employed in that way?—A. About two years, I think.

Q. Have you any information that the collector of the port was one of the owners of these wagons?—A. Only what I have already stated.

Q. Did you ever converse with him on that subject?—A. No, sir; I have no recollection of having any conversation with him.

Q. How came these wagons to be bonded in your name?—A. There was some reason that I do not now recollect that would have made it very inconvenient for the Transfer Company to have had the wagons bonded in their own name. I do not sufficiently remember the reason to state; but the only reason was to facilitate the transportation of goods that came here to be forwarded to Saint Louis.

Q. Do you recollect with whom you conversed in regard to this matter in the interest of the New Orleans Transfer Company?—A. I conversed with Mr. Burdeau.

Q. It was then through Mr. Burdeau that the arrangement was made with you?—A. Yes, sir.

Q. Was this hauling for the Government done exclusively by you, or were other parties employed to your knowledge?—A. Occasionally, when there was more than my wagons could do.

Q. Who else had a contract as you had?—A. No one else to my knowledge.

Q. You had such a contract exclusively with the Government?—A. Yes, sir. The officer in charge of the vessel, if I failed to have wagons enough there to clear the levee by a certain hour in the evening, was authorized to put on other wagons.

Q. Who was the president of the New Orleans Transfer Company?—A. I cannot think of his name now; I know it very well, too.

Q. Can you state who was the secretary or the book-keeper of the company—the one who kept the archives of the company?—A. I do not know his name; I know him when I see him.

Q. You stated a while ago that you dealt with Mr. C. T. Burdeau as the agent of the company?—A. Yes, sir.

Q. Were you a stockholder in the company?—A. No, sir.

Q. I understood you to say that none others but bonded wagons were permitted to do this work?—A. That I do not know. The officers had permission, I believe, to use other wagons. There were other bonded wagons for private hauling. Mine included only that which was under Government control, but had nothing to do with private hauling.

Q. In that case were any other than bonded wagons allowed to do this particular hauling that you were?—A. I am not sure, but I presume the officer had the privilege to take any bonded wagons in case I failed to have enough present to clear the levee by a certain hour.

Q. Were there any other bonded wagons besides yours, or those under your control?—A. None that I know of. I think there were none others.

By Mr. REILLY:

Q. Did you have a personal interview with Colonel Casey about getting this privilege?—A. I never spoke a word to him on the subject.

Q. The arrangement so far as you were concerned was made with Mr. Champlin, and at his suggestion?—A. Yes, sir.

Q. You were not in the drayage business at that time?—A. Yes, sir; and have been for 25 years.

Q. By the terms of the arrangement that you made were merchants in this city prevented from using other drays in hauling their goods?—A. No, sir.

Q. An importer receiving goods at this port had the privilege of having goods hauled from the vessels by his own drays if he had them bonded?—A. If he had them bonded and took out his permit in proper time. If there was no permit in the hands of the officer on the levee when the time arrived to commence clearing the levee, then he had the right to send them to the bonded warehouse by my wagon.

Q. Under the arrangement you made could an importer drive there and take goods under general order, or does that belong to you?—A. When it came under general order it was under control of the Government, as I understood. Importers had the right to take out their permits any time previous to a certain hour when we had to commence clearing the levee.

Q. Suppose an importer had made a warehouse entry, would he have the privilege of hauling his goods from the vessel to the bonded warehouse under the arrangement that you had made?—A. Yes, sir.

Q. That would be a general order, would it not?—A. I do not pretend to be well enough acquainted with the different terms. I did not pay much attention to it myself. I had a foreman. But it was distinctly understood when I took the contract that merchants had a right to bond their drays, and I tried to get as many as I could myself, and did get some. They had a right to move their goods whenever they were in time and in conformity to the regulations.

Q. So far as you know there were no complaints by importers in this city, of your having the privilege of draying these goods to general order to the exclusion of private drays?—A. There were some complaints the first year. I do not know that they came from the merchants. I think they mostly came from draymen.

Q. So far as you know, no importer was excluded by reason of your contract from using his own private dray if it was properly bonded?—A. So far as I know, no one was excluded.

Q. There was nothing in the terms of your contract that would give you any right in that respect?—A. No, sir; it was especially stipulated by Mr. Champlin when I took the contract that there was to be no interference with the private bonding; that merchants should have a right to bond their drays for private hauling under the regulations of the Treasury Department.

Q. You have not that contract with you, have you?—A. No, sir.

Q. How is the system conducted now?—A. I do not know.

NEW ORLEANS, *June 14, 1876.*

THOMAS J. SEMMES sworn and examined.

By Mr. NEW :

Question. What is your occupation?—Answer. I am a lawyer by profession.

Q. You reside here in New Orleans?—A. Yes, sir; I have been here thirty years.

Q. How long have you been engaged in your profession as a lawyer?—A. I have been living here since the year 1850, that is twenty-six years ago, and I have been in the profession thirty years.

Q. Are you acquainted with Mr. Beckwith, the district prosecuting United States attorney?—A. Yes, sir, I am.

Q. How long have you known him professionally, or at all?—A. I have known him certainly ever since he has been district attorney, and I think I knew him before.

Q. State whether you know, or have known, of any malfeasance in office on his part as United States district attorney, or of any irregularities on his part, or connected with his office, during the time you have known him as such district attorney?—A. None whatever; and I can say for Mr. Beckwith, that so far as my opinion of him goes, and judging from what I have seen of the administration of his office, that he is as honest a district attorney as there ever was.

Q. State whether your practice has been such, and your knowledge of the prosecutions in the United States courts has been such that, if there had been any irregularities, or improper conduct, or unfaithfulness on his part toward the Government as its prosecutor, it would probably have come to your knowledge.—A. I have not defended many criminal cases in the United States courts since he has been United States district attorney, but I have defended some, and, in those that I was particularly concerned in, I thought he was extremely zealous in the performance of his duty.

Q. And you have heard nothing to his prejudice in regard to other cases in which you had no connection personally?—A. Never a word.

Q. Are you acquainted with the United States marshal?—A. Yes, sir.

Q. What knowledge, if any, have you as to the manner in which he has discharged his duties?—A. My knowledge of him has been in relation to civil suits. It seems to me that his office has been admirably managed in the civil department.

Q. Do you know of any improper management of his office or improper conduct by himself officially as United States marshal?—A. I would not be calculated to know anything except in relation to the civil business. My relations are such that I would know nothing else.

Q. And you say you do not know anything to his prejudice in that or in any other respect officially?—A. No, sir.

By Mr. VANCE:

Q. Do you know anything in regard to the appointment of deputy United States marshals preceding elections?—A. I do not know the fact. I was about to state that the only thing I have heard against Mr. Beckwith was in connection with elections, but whether it is true or not I have no knowledge. I have seen, in connection with Louisiana affairs, reports of the appointment of an extraordinary number of deputies, and the execution of blank warrants, and other things, but I have only known them from the testimony of others, or from the statements I have read in the newspapers.

NEW ORLEANS, June 14, 1876.

ROBERT H. MARR recalled.

By Mr. NEW:

Question. Where do you reside?—Answer. I reside in New Orleans.

Q. How long have you lived here?—A. I have been a member of the Louisiana bar, for a little over thirty years.

Q. You are a lawyer by profession?—A. Yes, sir.

Q. Are you acquainted with Mr. Beckwith, the United States district attorney?—A. Yes, sir; I know him pretty well.

Q. Have you been acquainted with him continuously since his appointment as United States attorney?—A. Yes, sir; and I knew Mr. Beckwith before he was appointed United States attorney. I think he was city attorney at one time; I am under the impression that he was.

Q. State about how intimately you have been acquainted with him as the United States district attorney since his appointment.—A. In civil suits, and in some Government cases, where Mr. Beckwith was on one side and I on the other, I was necessarily brought into contact with him. In our respective relations, I may say that I met him almost continuously—I was not in court every day, of course—running through a series of years.

Q. State whether you have any knowledge of any omission of duty on his part as United States district attorney, or of any irregularities in his office as such since his appointment; if so, state in what the omission of duty consists, and what those irregularities, if any, are.—A. I know of nothing of the sort. I have thought sometimes that Mr. Beckwith was over-zealous in his prosecution of criminal cases; certainly I am not cognizant of any dereliction of duty on his part.

Q. State to the committee with what ability and efficiency you regard him as having performed his duty.—A. I think Mr. Beckwith is fully competent to the discharge of his duties as district attorney, and, as I said a while ago, I think he is usually a little over-zealous; at least I have seen him so in some cases. Mr. Beckwith is not at all indifferent to the conviction of the people he prosecutes.

Q. Then you have not noticed any want of zeal or energy on the part of the Government?—A. No, sir; I have found him a very formidable adversary in criminal cases.

Q. State whether you are acquainted with Mr. Packard, the United States marshal.—A. I know Mr. Packard pretty well.

Q. Have you known him as United States marshal since his first appointment?—A. Yes, sir; I have been obliged to come in contact with either Mr. Packard or his deputies continually.

Q. What knowledge have you, if any, of improper official conduct or omissions of duty on his part as marshal, or irregularities in his office?—A. I have no knowledge of anything of that sort; you will understand, however, that we lawyers deal with the deputies in the office more than with Mr. Packard about the details of the business. The deputies I have found courteous and obliging, and I have never had any disputes with them about any question as to the performance of their duty. I have had no occasion to complain of them in any way. I have had no trouble in that office at all. The principal deputy in the marshal's office, I think, is uniformly courteous to the members of the bar, and I know of no case of overcharge, or of failure to perform duty; certainly it has not occurred in any of my cases; I have had no cause to complain of anything of the kind.

By the CHAIRMAN :

Q. Have you any knowledge of improper exercise of authority by any United States commissioners?—A. No; not personally; we have had pretty good reason to believe that blank warrants were issued and sent to the country, or were in the possession of certain of the commissioners, but nothing occurs to me at this moment. There was some complaint several years ago of cases of an abuse of power by some of the commissioners here in the city of New Orleans in the matter of small claims for wages against steamboats, and I think there was some presentment about it made to the grand jury. I am under the impression that Judge Woods removed, upon the suggestion of the grand jury, almost all of the commissioners, or at any rate several of the commissioners, and almost all that there were doing that sort of business—entertaining jurisdiction of small claims against steamboats for wages, and running up exaggerated bills for costs. My recollection is that Judge Woods made some new appointments. There was, I am quite well satisfied, a very great abuse of authority in that respect, on the part of the commissioners. They entertained demands for wages for \$1 or \$2, and uniformly gave such a judgment as would carry the costs which were served at an enormous amount—\$20 or \$30 for a little dispute between the mate and some colored laborers about a dollar, or some such thing as that.

By Mr. NEW :

Q. Afterward, upon complaint, these commissioners were removed?—A. Yes, sir; it amounted to the most outrageous extortion, and several members of the bar who had steamboat-men for their clients were trying to arrest that evil. Finally, the grand jury made some report about it to Judge Woods, the precise terms of which I do not know, and my impression is that he removed almost all of them.

By the CHAIRMAN :

Q. Have you any knowledge of any citizens of this State being arrested on criminal charges, when in point of fact they were arrested for political effect?—A. I think the first arrests that were made under the civil-rights bill were made by a warrant issued by R. H. Shannon, and some fifteen or twenty gentlemen of the parish of Saint Martins were brought here to New Orleans for trial. I defended them before Mr. Shannon. There was a preliminary examination, and these gentlemen were discharged. My impression is that that whole thing—indeed, I feel quite well assured of it—was for political effect. That was my impression at the time. At any rate the case was so plain a one that Shannon himself discharged them upon examination. There was a very troublous state of things existing. I have all the prejudice, probably, in favor of my client that lawyers usually have, but I consider that there was a great abuse of power in that case, though I may be mistaken about it. I defended them, and I do not think that my impressions on that subject are at all competent evidence, and I have no disposition to injure the character of anybody, or to question improperly the motives of anybody. There are numerous cases of that sort.

By Mr. WOODBURN :

Q. Can you name a United States commissioner who ever entered up a judgment against a steamboat-man for one dollar, or an insignificant amount such as that, illegally, for the purpose of having the defendant pay the costs incidental to judgment?—A. It would be perfectly impossible for me to tell that that was the object.

Q. You stated that was the nature of the abuse.—A. A great many of those cases were brought before the commissioners, and in a great many of the cases the costs bills were very large indeed, while the amounts involved were quite insignificant.

Q. Can you name a single case in which a judgment was illegally rendered?—A. I cannot at this moment.

Q. The record of it is in New Orleans?—A. I do not know whether it is or not; I presume it is on record. I have not given my personal attention to suits of that kind; the way they have been brought to my notice is by the steamboat-men coming to me and telling me of the magnitude of the costs. Furthermore, I have been present when some examinations have been made merely for the purpose of seeing how these things were conducted, and in many cases the dispute was merely as to whether a colored man was employed or not.

Q. If abuses did exist in the offices of the commissioners, have they all been rectified?—A. I am under the impression that Judge Woods, on complaint of the grand jury, removed the commissioners.

Q. In reference to the arrest of fifteen men upon a warrant issued by the United States marshal, was not the affidavit, which was the foundation for the issuance of the warrant, in proper form?—A. I do not think it was.

Q. Was it not the bounden duty of the commissioner to issue a warrant of arrest upon an affidavit?—A. Yes, if he was satisfied that it was a case in his jurisdiction.

Q. I ask again, was not it his duty to issue it?—A. My impression is that in the case to which I referred, the affidavit disclosed that it was not a proper case for his jurisdiction.

Q. Are you sure about that?—A. I am not sure about it, but that is my impression; I can give you the names.

Q. If that were the fact, can you testify as to whether the issuance of the warrant was an error of judgment on the part of the United States commissioner, or whether it was for the purpose of manufacturing political capital?—A. No, sir; I cannot tell anything about that; a man would not declare anything of that sort. The affidavit was made by some colored boy in New Orleans, who did not sustain the affidavit when he came forward as a witness.

NEW ORLEANS, *June 14, 1874.*

HUGH SWAN sworn and examined.

By Mr. REILLY:

Question. You live in this city?—Answer. Yes, sir.

Q. What was your business in 1872?—A. I worked part of that year in the firm of Seward & Keep, in the Perseverance Rice-Mill, as a night watchman.

Q. What were you doing in the month of September, 1872?—A. I was working there; I commenced to work there in August, 1872.

Q. State whether you received any money at the custom-house in that month?—A. Never.

Q. Or whether you signed your name to any voucher?—A. No, sir; I have been about six or seven months upon the custom-house boat in Pass Lutra, under Captain Murphy.

Q. When was that?—A. Two years ago.

Q. In what year?—A. It must be 1874; I was between six or seven months there.

Q. But in August or September, 1872, you were not in the employ of the custom-house?—A. No, sir.

Q. Did you sign any voucher at that time?—A. No, sir.

Q. Do you know any other man by the name of Hugh Swan who was in the employ of the custom-house?—A. No, sir; I never heard of one.

Q. How long have you lived in this city?—A. Since I was three months old.

Q. If there is then a voucher on file, purporting to be signed by you, for wages in the month of September, 1872, it was not made by you?—A. It was not.

Q. And you did not receive the money?—A. No, sir.

Q. And you rendered no service at that time to the Government?—A. No, sir; I never received a dollar except when I was in the custom-house boat.

By Mr. CONGER:

Q. You say that there was not another man of your name in the city?—A. I am aware that there is another man by my name, because I have seen his name as a carriage-painter or something of that kind up in the first district. He has the same name as I have—Hugh Swan. I never knew of one man of that name to be in the employ of the custom-house, although I have seen such a name in the city directory.

NEW ORLEANS, *June 14, 1876.*

SARAH FERGUSON sworn and examined.

By Mr. REILLY:

Question. Is George W. Ferguson your husband?—Answer. Yes, sir.

Q. How long have you been married to him?—A. Very nearly twelve years.

Q. Are you living in this city?—A. Yes, sir.

Q. Is your husband at home now?—A. No, sir.

Q. When did you see him last?—A. I have not seen him since he left the city, when he went on to Washington. I cannot remember exactly the date when that was; it was about the 12th or 13th of April, because I have a young child, and my child was about a month old, and it is very nearly three months old at present.

Q. You have not seen him since?—A. No, sir.

Q. Have you heard from him since?—A. I have heard from him.

Q. When did you hear from him last?—A. Ten or twelve days ago, about.

Q. Where was he then?—A. He was in New York.

Q. How did you hear from him?—A. By letter.

Q. Did his letter give you his direction there?—A. No, sir.

Q. Have you got that letter with you?—A. No, sir; as there is never anything of importance in his letters I generally destroy them.

- Q. Did you destroy this last one you received?—A. Yes, sir.
- Q. Did he say anything in it about returning?—A. No, sir; he did not mention it.
- Q. Did he say why he was in New York?—A. No, sir.
- Q. Do you know why he is there?—A. I do not.
- Q. You do not know of any business he has there?—A. No, sir.
- Q. Is your husband a man of any means?—A. No, sir.
- Q. Has he anything that contributes to the support of his family except his daily labor?—A. No; his labor supports his family.
- Q. How do you get along in his absence?—A. His brother provides for the family.
- Q. Did he send you any money in this last letter that you received?—A. No, sir.
- Q. How many letters did you receive from him in New York?—A. I think it is about three or four.
- Q. Did you receive any money in any of them?—A. No, sir.
- Q. And he contributes nothing now to the support of his family?—A. Nothing at the present time.
- Q. And you don't know why he is in New York?—A. No, sir, I do not.
- Q. And he did not state why in any of his letters?—A. No, sir.
- Q. Did you expect him to return home from Washington when he left here?—A. Yes, sir; I thought he would return about the same time that the committee returned here.
- Q. He has never explained to you in any of these letters why he has not returned?—A. No, sir; he has said nothing about it.
- Q. Do you expect him to return now?—A. I expect him home.
- Q. Why?—A. When he went away it was not his intention to stay, and he has left a young family here.
- Q. You do not expect it from anything he said in any of his letters?—A. No, sir.
- Q. He said nothing at all about coming home?—A. He said nothing about coming or staying.
- Q. Did he say anything about this committee?—A. No, sir.
- Q. You have destroyed all of those letters?—A. Yes, sir.
- Q. What is his brother's business?—A. He is employed at Hart & Frederickson's.
- Q. Is he a man of family?—A. No, sir; he is alone.
- Q. He makes his home with you?—A. Yes, sir.
- Q. How many children have you?—A. I have four.
- Q. Where is your residence in the city?—A. Robertson street.
- Q. Have you answered any of your husband's letters?—A. Yes, sir; I generally answer his letters.
- Q. Where did you direct them to?—A. To the general post-office, New York City.
- Q. No particular direction?—A. No, sir.
- Q. And you say that in none of these letters you have received your husband has said anything about returning home or why he staid away?—A. When the committee was about to come on here he said he thought he would be here about the same time as the committee.
- Q. Where was that letter written from?—A. From Washington.
- Q. Can you give us the exact date, or about the time, that you received the last letter from New York?—A. It was about ten or twelve days ago.
- Q. Was it in this month of June?—A. It was about the 28th or 29th of May.
- Q. Did you answer that letter?—A. Yes, sir.
- Q. Where did you direct it?—A. To the general post-office in New York.
- Q. Has any person in this city contributed anything to your family since your husband went away?—A. No, sir.
- Q. Has any one been to see you other than his brother?—A. About the 27th of May there was a gentleman, or a man, called there at the house with a package which he wished to leave with me, but as there was no package that I knew of Mr. Ferguson's having, I would not receive it. It was a bundle about that size, [indicating with her hands.] The man asked me why I would not receive it. I told him then that I knew nothing of any package that Mr. Ferguson had outside. He said at first he did not know the party that had sent it, but he said afterward that it was a friend of Mr. Ferguson, and Mr. Ferguson had sent word for it to be left at his house.
- Q. You do not know what was in the package?—A. I do not; I did not ask the man to open it. He told me his name was George Reynolds. I have never seen the man, and I never heard Mr. Ferguson mention the man's name.
- Q. Have you been to see any other person for the purpose of getting support for your family?—A. No, sir.
- Q. No money has come to you by letter, or in any other way?—A. No, sir; the only other way is through my sister. She boards with me, and in that way I get something from my sister. No one else has contributed to my support.
- Q. Will your husband return home after this committee leave here?—A. It is impossible for me to tell you.
- Q. You can say nothing upon that subject from anything he has said in his letters?—A. No, sir.

By the CHAIRMAN:

Q. Did you hear from your husband while he was in Washington?—A. Yes, sir; he wrote to me.

Q. Did he write to you from there when he thought he would get back home?—A. I just told you what he wrote; that he thought he would be home about the time the committee would arrive. I expected him about that time.

Q. But since he has been to New York he has not written to you at all upon that subject?—A. No, sir, he has not.

Q. Do you begin to feel anxious about him?—A. Yes, sir; I do feel anxious.

Q. Is it not rather strange that he has not told you what circumstances have prolonged his absence?—A. It is; unless he is sick and it is impossible for him to write. I do not know myself what to imagine.

Q. When did you hear from him last?—A. About ten or twelve days ago.

Q. Has anybody lately called at your house to make inquiry for Mr. Ferguson?—A. No, sir; no one has called at my house.

Q. Have you had any conversation with anybody at any time about this committee?—A. No, sir.

Q. You never have talked about it?—A. No, sir; except that sometimes we talked about seeing it in the paper, and about reading it in the paper; that is all.

Q. Have you talked with anybody about the testimony that your husband gave in Washington, parts of which probably at all events were published in the newspapers?—A. No, sir; only at home I talked about it, but not with any outsiders.

Q. You mean that you talked about it in your own family?—A. Yes, sir; in my own family.

Q. And not with anybody else outside of your own family?—A. No, sir; just with my family.

Q. What street does your husband reside on?—A. 345 Robertson street.

By Mr. CONGER:

Q. Do you know where your husband took a bundle of papers and books before he left for Washington?—A. No, sir; I do not know.

Q. Do you know of his taking away some of his papers?—A. Yes, sir; he took some of them away.

Q. Where did he take them?—A. I cannot tell you.

Q. What is the name of the friend to whom he took them?—A. I do not know.

Q. Did he tell you when he was going to take them away?—A. I saw the bundle, but I did not ask him what was in the bundle.

Q. How large a bundle was it?—A. It was a good-sized bundle.

Q. Was it about the size of the bundle that was brought to you by this man?—A. No, sir; the bundle that was brought to me by the man was hard, for I felt it.

Q. But how near was it to the other bundle in regard to size?—A. The one that my husband took away was about half the size of the one that was brought back by the man.

Q. And the one that was brought back was something hard?—A. It felt like something hard; I took it up.

Q. Was it heavy?—A. Middling heavy.

Q. Did you take hold of the bundle that your husband sent away to his friend?—A. No, sir; I do not know whether that was the same bundle or not. No, sir; I did not take hold of the bundle that my husband took away.

Q. Then you do not know how heavy that was?—A. No, sir.

Q. And you cannot say whether it was the same weight or not as the one that was brought back?—A. No, sir.

Q. Did this man say that this bundle belonged to your husband?—A. He said so.

Q. Did he say he knew what was in it?—A. No, sir.

Q. Did he say anything about its being your husband's papers and books?—A. No, sir.

Q. Who was the friend that the bundle your husband took away was going to?—A. I do not know.

Q. What did he say he was going to send it to his friend for?—A. For safe-keeping.

Q. What did he say was in the bundle?—A. I did not ask him what was in it.

Q. You had seen the things plenty of times?—A. Yes, sir; but I did not see him when he made up the bundle.

Q. What was there in the bundle?—A. It was papers and his proofs.

Q. What else?—A. That is all I remember.

Q. Were there any cigars in it?—A. I did not see any cigars.

Q. Were there not some cigars that he was saving as proofs?—A. He may have put those in.

Q. He had some sample-cigars of some particular brands that he was saving as proofs?—A. He had some proofs, but whether they were cigars or not I do not know.

Q. Did he not have some sample-cigars that he was saving as proofs of fraud?—A. I believe he did.

Q. Do you know whether these sample-cigars were in boxes or in bundles?—A. I could not tell you.

Q. Have you seen those about the house since he sent away this bundle?—A. No, sir.

Q. You saw them before?—A. Yes, sir.

Q. Did you think he sent them away in this bundle?—A. I suppose he did.

Q. Were there two or three boxes of cigars in there?—A. I do not know how many there were.

Q. How many boxes do you remember?—A. I suppose there were a couple of boxes. I do not remember how many exactly.

Q. Were there any other boxes in it?—A. Not that I know of.

Q. Did it not occur to you when this man called, that these things were sent to you in a bigger package than the one in which they were sent away?—A. No, sir; that never struck me.

Q. You knew your husband had sent away a bundle, only it was a little smaller than this?—A. Yes, sir.

Q. And when this was sent back as your husband's bundle, did it not occur to you that the friend had done it up in a bigger package?—A. No, sir.

Q. It might have been that same bundle put up in a different case?—A. Perhaps.

Q. When your husband went away, did he say anything in regard to how soon he would be back?—A. He did not expect to remain away a great while.

Q. Where did he expect to go?—A. Washington.

Q. Where else?—A. Not anywhere else that I know of.

Q. Did not he tell you that he expected to go to New York, where he had a relative?—A. I thought myself that he would make a run from Washington to New York; but he did not mention it to me on leaving.

Q. He had a brother-in-law there?—A. Yes, sir.

Q. Did not he know that his brother-in-law was sick?—A. Not that I know of.

Q. You know that his brother-in-law was sick?—A. Yes; he was indisposed.

Q. Do you know that his brother-in-law died?—A. Yes, sir.

Q. And that your husband was staying there, in New York, to take care of his sister's property?—A. Yes, sir.

Q. He wrote to you about that?—A. Yes, sir.

Q. He wrote, when he was staying in New York, that he was staying in New York to take care of his sister's family?—A. Yes, sir.

Q. Did he say when he thought he could settle up that business and come home?—A. No, sir.

Q. Did he not say how long it would take him to fix up his sister's affairs?—A. No, sir.

Q. Did he say whether his mother and sister would probably return with him?—A. No, sir.

Q. How many letters have you had from him since his brother-in-law died?—A. I could not tell you. I do not remember.

Q. He mentioned to you his brother-in-law's death?—A. Yes, sir.

Q. Did not he say he had to stay there and settle up his brother-in-law's business?—A. Yes, sir.

Q. And did not he say how long that would take him?—A. He did not.

Q. Did not he say he would come home as soon as he fixed up his sister's business?—A. No, sir; he did not.

Q. When was it he wrote to you about being here with the committee?—A. That was after his brother-in-law's death.

Q. Did not he say there that he had to go to New York again before he came back?—A. Yes, sir; he did.

Q. But that he expected to be back in New Orleans about the time the committee were here?—A. Yes, sir; that is about the time I expected him.

Q. And since that he has written you from New York?—A. Yes, sir.

Q. How many letters?—A. I do not remember.

Q. About how many?—A. I have not received a letter from him for ten or twelve days.

Q. Before that, did he write every two or three days?—A. No, sir; about every week.

Q. After he got back to New York did he tell you how he found his sister's business?—A. No, sir; he did not mention his sister's business.

Q. Did he tell you how they were circumstanced?—A. No, sir.

Q. Or what they were going to do?—A. No, sir.

Q. But he did say he must stay awhile and settle up his sister's affairs?—A. Yes, sir.

Q. Cannot you tell me the name of that friend to whom he sent these papers?—A. No, sir; I do not know it.

Q. You do not know the friend?—A. No, sir.

Q. Was his name Reynolds?—A. I do not know. It would be impossible for me to tell you his name.

Q. Has he got any friend by the name of Reynolds with whom he would be likely to leave such papers?—A. Not that I know of.

Q. And the man that brought the bundle did not pretend to know what it was, but only said that it belonged to Mr. Ferguson?—A. Yes, sir.

Q. Did he say with whom it had been left?—A. No, sir.

Q. When you took hold of it was it about as heavy as these things your husband sent away?—A. I could not tell you.

Q. Should you judge so?—A. I did not take hold of the bundle my husband sent away.

Q. If they were put all together would it make about such a weight as this was?—A. No, sir; the box that the man brought was larger, whatever it was.

By Mr. REILLY:

Q. State whether there was anything in any of your husband's letters with reference to destroying the letters.—A. Nothing.

Q. You destroyed them of your own accord?—A. Yes, sir.

Q. Did you destroy the one you got from Washington?—A. Yes, sir; all of them.

Q. You are certain that you cannot find one of them?—A. No, sir; I read them and destroyed them.

By the CHAIRMAN:

Q. Has your husband a particular friend living outside of the city about seventy-five or eighty miles from New Orleans?—A. There is a friend of his out of the city; I do not remember whether he lives at that distance or not.

Q. Does he live in or near Brashear, Frederick's Bay, out on the old Opelousas Railroad, now called Morgan's Railroad, that goes to Texas, and is not he now in bad health?—A. It is in the parish of Ascension; I do not know whether that is on that railroad or not.

Q. Do you know whether your husband sent any papers out in that direction to a friend?—A. Not that I know of.

By Mr. CONGER:

Q. What is that friend's name?—A. Jerdan.

Q. What is his other name?—A. I do not know his first name. My husband may know his given name.

Q. Does not he visit your husband?—A. Yes, sir; when he is in the city.

Q. But you never heard what his given name was?—A. No, sir; I have not.

Q. How many cigars did your husband have?—A. He has a few cigars—samples. He kept a few. There were two boxes full; a few cigars in two boxes.

NEW ORLEANS, *June 14, 1876.*

AUGUSTUS FERGUSON sworn and examined.

By Mr. REILLY:

Question. Are you a brother of George W. Ferguson?—Answer. Yes, sir.

Q. When did you see your brother last?—A. I saw him off when he went to Washington.

Q. You have not seen him since?—A. No, sir.

Q. He told you he was going to Washington?—A. Yes, sir.

Q. What is your business?—A. I am with Frederickson & Hart, druggists, 139 Canal street.

Q. Have you heard from your brother since he has been away?—A. Yes, sir; several times.

Q. When did you hear from him last?—A. About ten or twelve days ago—about the time my sister-in-law did.

Q. Was it the same day?—A. The day after.

Q. Will you let us see your letter?—A. I have not got it; it was only a short note—a few lines directed to myself; there was no business whatever in it. He just told me to look out for his family. That is all.

Q. Where is the letter?—A. I threw it away when I got it.

Q. How many letters did you get altogether?—A. Several altogether.

Q. About how many?—A. Seven or eight.

Q. Did you answer the last letter?—A. Yes, sir.

Q. Where did you direct it to?—A. To the New York post-office.

Q. When were you subpoenaed here?—A. I was not subpoenaed here at all.

Q. Were not you notified to come here?—A. No, sir; my sister-in-law received a notification yesterday, and I escorted her here. The party that served the subpoena told her that I was to come along with her, but my name was not on the subpoena.

Q. Your brother in his last letter said that you should look out for his family?—A. Yes, sir.

Q. What did he say in the letter before that?—A. I could not tell you.

Q. Did he ever send you any money in any of the letters?—A. No, sir.

Q. Not a dollar?—A. No, sir; I am sure of that.

Q. Did you send him any money?—A. No, sir.

Q. Did he state why he was in New York and why he did not come home?—A. No, sir; he told me that he could not state any of his business to me, because we have lost several letters. When he was in Washington there were some four or five letters sent, and with the postmark on the end of the envelope, "If not delivered within ten days to be returned" to our post-office box. These letters we have never heard of and we have never received.

Q. You never got them back?—A. No, sir; he said in his letter in Washington that he never received those letters.

Q. Was that when he was in Washington before this committee?—A. Yes, sir.

Q. He said nothing in any of those letters as to why he did not come here?—A. No, sir; because he was afraid to. His handwriting was well known, and he was afraid those letters would be taken; therefore he never stated any of his business to me. Every time I wrote on to him I asked him for information, but I never got it.

Q. He did not tell you where he was living in New York, or why he went there, or if he intended to leave it?—A. No, sir; nothing of the kind.

Q. How much did he write you?—A. The last letter was a short note, five or six lines.

Q. You answered it to the New York City post-office?—A. Yes, sir.

Q. Have you had any talk with any persons in this city about his not being here?—

A. I have been asked several times—by the custom-house parties sometimes.

Q. Tell us the names of some of them.—A. The other day one of them said he was in town and wanted to bet with me that he was in the city. That is Mr. James Morrison who did that. He was subpoenaed several days ago, but has never been brought up yet.

Q. What position does he hold?—A. He is a clerk in the appraiser's office.

Q. Has any other person in the custom-house spoken to you about your brother?—A. No, sir.

Q. Have you been to see anybody?—A. No, sir.

Q. Have you received any money from anybody?—A. No, sir.

Q. In an envelope?—A. No, sir.

Q. In no way?—A. No, sir.

Q. Have you been promised any?—A. No, sir.

Q. Did your brother say he got any money?—A. No, sir.

Q. Did he expect to get any money from any parties?—A. No, sir; he never mentioned anything of the kind.

Q. Did you have letters from your brother while he was in Washington?—A. Yes, sir.

Q. When did he say that he expected to be back?—A. He expected to be back with the committee, and he would be able to prove everything when he got back, and I expected him the same day the committee came, and was looking out for him.

Q. How much wages do you earn?—A. I get \$40 a month.

Q. You board with his family?—A. Yes, sir.

By Mr. CONGER:

Q. Who keeps the house?—A. My sister-in-law keeps the house.

Q. Who rents the house?—A. My brother rents it.

Q. How long has he lived in this house?—A. Two or three or four years.

Q. Does any other family live in the same house?—A. No, sir, except his sister-in-law and her little girl; that is all.

Q. Are they boarders, or do they keep the house?—A. They rent one part, and board with us.

Q. When did you last see your brother?—A. I saw him when he left here.

Q. Have you seen him since then in the city of New Orleans?—A. No, sir.

Q. Have you had a letter from him at any place except from New York and Washington?—A. No, sir.

Q. Have you sent a letter to him to any place except to New York and Washington?—A. No, sir.

Q. Do you know that he is not in New York to-day?—A. No, sir; I do not know where he is to-day, because I have not heard from him for ten or twelve days, and I do not know where he is at the present time.

Q. Do you know where he said he would go from New York?—A. No, sir.

Q. Did he say anything about his brother-in-law's death there?—A. Yes, sir; and he sent something out of the New York Sun about his death.

Q. Did he say anything about the condition of his sister and the family?—A. No, sir; nothing whatever.

Q. Did they have any business there?—A. He never stated to me anything about it.

Q. Did his brother-in-law have any business in New York?—A. I do not believe he had any business house.

Q. Was he employed?—A. I suppose he was; I do not know, really.

Q. Whereabouts in New York did they live?—A. The last I heard of them they lived at Fifty-fifth street and Broadway. I do not write much to them, and never kept the run of it.

Q. Don't you know the number?—A. No, sir; I do not know the number.

Q. Did not you ever have any letters from your mother or sister?—A. I have not written to them now for a year or more.

Q. Did you have a letter from them?—A. No, sir.

Q. Have you had any letter from your mother or sister?—A. Not for a year or more.

Q. Has anybody in your house?—A. Yes, sir.

Q. Has your other sister in New Orleans had any?—A. None of my sisters are here; there is only my sister-in-law and her sister.

Q. Do not you know what street your brother-in-law lived in?—A. Not precisely; it is somewhere around Fifty-fifth street, near Broadway—somewhere around that neighborhood.

Q. What was your brother-in-law's business?—A. He had been in several businesses in New York before I left there, but what his business was before he died, I do not know.

Q. When you were in New York, did they live in the same place?—A. No, sir; they lived in the Ninth ward.

Q. How long is it since you were in New York?—A. I was there three or four years ago; I was there on a visit.

Q. And you say to this committee that you have no idea where your brother is?—A. No, sir.

Q. Nor when he is to return?—A. No, sir.

Q. Did you know where he sent this bundle?—A. No, sir; nothing of the kind.

Q. Did you hear him say anything about it?—A. No, sir; I have heard him say he had the proofs, but how he disposed of them I do not know.

Q. You do not know the name of the friend he left them with?—A. No, sir.

Q. Do you know the name of the friend he was most intimate with here?—A. No, sir; I saw very little of him; I only saw him in the morning, going to work.

Q. But you know who your brother's intimate friends are?—A. He has this friend, Mr. Jerdan, out in the country, but he has not seen him for two or three months.

Q. What is that gentleman's full name?—A. That is all I know; we all know him as Mr. Jerdan.

Q. What friend has he got in the city here?—A. He has friends all over the city.

Q. What is the name of his most intimate friend that you know of?—A. Mr. Mann; he has gone North along with my brother.

Q. Where is Mr. Mann's house?—A. Corner of Victory and Frenchman.

Q. What is the number of it?—A. I do not know.

Q. Did Mr. Mann have a family?—A. No, sir.

Q. Has he been back since he went away with your brother?—A. No, sir.

Q. They were both together at last accounts?—A. No, sir; I believe they separated before they got to Washington. When my brother went on to New York, my brother-in-law was sick, and they separated at New York. Where Mr. Mann is now, I do not know.

Q. Where did you hear he was the last you heard of him?—A. At the fair in Philadelphia.

Q. What is his name?—A. Gustave Mann.

Q. Did he work in the custom-house?—A. No, sir.

Q. Did he get pay for working in the custom-house?—A. No, sir; I never knew him to do so.

Q. Give me the name of another of your brother's friends here.—A. There is a Mr. Ring.

Q. Where does he live?—A. I do not know. I believe he has charge of the light-house down at the lake—Lake Pontchartrain.

Q. Is there more than one light-house?—A. There is only one at Pontchartrain Lake; that is right off the wharf.

Q. Out on the railroad?—A. Right off the railroad, on the wharf. I believe Mr. Ring has charge of it; the last I heard of him he had charge of it.

Q. Is your brother intimate with him?—A. They are friendly together.

Q. Does Mr. Ring live here in the city, or is he out there?—A. He is out there most of the time, I believe.

Q. Has he got a family there?—A. Yes, sir.

Q. Do you know whether that is the place where he sent this evidence?—A. I do not know; this is Hoyt's, at the foot of Canal street, at Pontchartrain Lake, out at old lake end.

Q. Is there not some other friend that lives here in the city?—A. Not that I know of; I have not traveled around with my brother any.

Q. Or that visits at his house?—A. No, sir.

NEW ORLEANS, *June 14, 1876.*

MARY JANE MALTBY sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. On Baronne street, No. 11, with my son.

Q. Is your husband an employé in the custom-house?—A. He was at the time of his death.

Q. What department of the custom-house?—A. He was a very humble employé; he was a watchman.

Q. What was his pay?—A. Ninety-five dollars.

Q. Was that his only means of livelihood?—A. It was all. He was an old, wounded, battered-up soldier; he served in the Mexican war and the Seminole war. My brother-in-law got his appointment for him from Mr. Casey.

Q. State whether your husband was a subscriber to the National Republican.—A. He was.

Q. What were the circumstances under which he subscribed to that paper?—A. I can only tell you what he told me.

Q. What information have you of the circumstances under which this subscription was made?—A. I only know that he paid \$25 for a share in the National Republican because we were very poor, and his salary was small. I asked him why he did it, and he said that he was compelled to pay it, or he must lose his place in the custom-house.

Q. Are you the owner of that share of stock?—A. Yes, sir.

Q. How many shares are there?—A. There is only one.

Q. You were the heir of your husband?—A. Yes, sir.

Q. Have you ever attempted to make any disposition of it, or sale of it?—A. Yes; I think General Carter advised me to go to Mr. Herwig, for he said he thought he would buy that share, and I offered the share for \$15, because I needed money. One of them said he had already seven hundred shares, and the other said he had many, but he would give me \$15 for it, and after going there for six weeks every week, he said he would not take it.

NEW ORLEANS, *June 14, 1876.*

JOSEPH L. HERWIG sworn and examined.

By Mr. REILLY:

Question. You are a resident of this city?—Answer. Yes, sir.

Q. You are brother to the deputy collector of the custom-house at this port?—A. I am.

Q. Are you in the employ of the Federal Government in any capacity?—A. No, sir; I am a State officer, holding a position as such, and city assessor to the parish of New Orleans, and president of the board of assessors.

Q. Have you held a position under the Federal Government?—A. I did about four years ago.

Q. But not later than four years ago?—A. I cannot tell exactly without referring to dates.

Q. State whether you visited the city of Washington for the purpose of attending sessions of this committee on behalf of anybody.—A. No, sir; I visited the city of Philadelphia for the purpose of being at the opening of the Centennial, and on my way home I stopped at Washington.

Q. When did you leave New Orleans for Philadelphia?—A. I think it was on the 3d of May; it was the first Saturday of May.

Q. Were you aware this committee was organized at the time you left here?—A. Yes, sir; from seeing it in the newspaper reports. I was ordered to Philadelphia as one of the staff-officers to Governor Kellogg. All the other staff-officers were ordered there.

Q. And the organization of this committee had no connection with this visit?—A. Not at all.

Q. How long did you remain in Washington?—A. About a week.

Q. Did you attend the sessions of the committee every day?—A. I never attended to it but once.

Q. You were not in the committee-room?—A. I never went in the committee-room during the entire sessions of the committee. This is the first time I attended any of its sessions, and I only came because I was subpoenaed.

Q. Who accompanied you to Washington or Philadelphia from this city?—A. To Philadelphia there was Colonel Johnson, the State auditor, Colonel Wright, the State register, General H. J. Campbell, Major Norton, Judge Dibble, Col. Charles Hill, Doctor Southworth, Colonel Loan; there may have been some others, but I do not remember their names.

Q. When did you leave Washington to return to New Orleans?—A. It was the latter part of May—the same train that part of the committee came on.

Q. You did not leave there till the committee had adjourned to meet in New Orleans?—A. Yes, sir.

Q. And you left on the same train with a portion of the committee?—A. Yes, sir.

Q. Did you have any consultation with any person in Washington about any of the witnesses, or any witness who was to testify before the committee?—A. No, sir; there may have been some one who is subpoenaed here that I talked to.

Q. I ask you whether you talked about any person that was then a witness or was to be a witness?—A. No, sir; never.

Q. Were there any gentlemen from New Orleans in Washington with you during the week that you remained there?—A. Yes, sir.

Q. Who were they?—A. They were Governor Kellogg, General Warmoth, Colonel Norton, and General Souer.

Q. Did these gentlemen remain there during the whole week you did?—A. No, sir; they left a few days before I did.

Q. State whether George W. Carter was with you.—A. I met him in the city of Washington.

Q. Do you know whether he was authorized to represent any of the Federal officers of New Orleans?—A. I believe he was.

Q. Among them was your brother?—A. I believe so.

Q. Do you know a gentleman from this city by the name of Molair?—A. I met him in Washington.

Q. Did he remain there during the week you were there?—A. I believe he lives there.

Q. Is he not a resident of this city?—A. Originally he was.

Q. How long is it since he has left here?—A. I cannot tell you exactly; it is six or seven years.

Q. Since he left New Orleans?—A. I think so.

Q. Did you have any consultation or conversation with him about any of the witnesses that were to appear before this committee?—A. No, sir. He mentioned to me what witnesses were before the committee.

Q. Did you talk about the witness, Ferguson?—A. He told me about his testimony.

Q. Do you know where Mr. Molair is now?—A. No, sir. I presume he is in Washington.

Q. Do you know where Mr. Ferguson is?—A. No, sir.

Q. Did you give any money to Mr. Molair?—A. Yes, sir.

Q. For what purpose?—A. Mr. Molair generally asks every New Orleans person that goes there for money.

Q. Did you give him any money for any services to be rendered in behalf of any one who was interested in this investigation?—A. No, sir.

Q. What amount of money did you give him?—A. I gave him \$15 or \$20; I do not know which.

Q. Not more than that?—A. It might have been a few dollars.

Q. Was it as much as \$100?—A. No, sir; and it was not \$50. Occasionally he would ask me for \$5 and I would give it to him. I do not keep the account of it.

Q. Was there anything said between you and Mr. Molair or Mr. Carter as to getting the witness Ferguson out of the way?—A. No, sir.

Q. Or making up a purse for him?—A. No, sir.

Q. Do you know that a purse was made up?—A. I do not know of anything of the kind.

Q. You contributed nothing for that purpose?—A. No, sir. I saw Mr. Ferguson once while in Washington, but never spoke to him.

Q. Did you know before you left Washington that Ferguson would not appear before this committee?—A. No, sir.

Q. Did you have a talk with any person to the effect that an arrangement was to be made to prevent his being here?—A. No, sir.

Q. How long before you left Washington did you see Mr. Ferguson?—A. I saw him, I think, about the last day that he testified. He came to the hotel while I was sitting

there, and he passed by me. I would not have permitted him to have spoken to me however.

Q. When did you see Mr. Molair last?—A. The night before I left.

Q. Do you know whether Mr. Carter gave Mr. Molair any money?—A. I do not believe he did; he gave him none to my knowledge.

Q. Do you know whether he and Molair had any conversation about the witness Ferguson?—A. Never in my presence.

Q. Did either of them ever tell you that they had talked about it?—A. They never told me anything of the kind.

Q. And there was no conversation at all in relation to the detention or the prevention of Ferguson from appearing before this committee as a witness that you know of?

—A. Never, sir, that I know of.

Q. You took part in no such conversation?—A. No, sir.

Q. But were you directly or indirectly connected with it?—A. Never.

By Mr. NEW:

Q. Did you leave here for Washington before or after Ferguson began his testimony?

—A. I was in Washington when he began his testimony there. I was on my way home then.

By Mr. WOODBURN:

Q. What was the reason that you would not permit Mr. Ferguson to speak to you, or that you declined to speak to him?—A. For the simple reason that everybody who spoke to him he said on the stand spoke to him for the purpose of intimidating him, or for the purpose of arresting him, and I strictly avoided him. For that reason I never went to the committee-room, and when I saw Mr. Ferguson in the hotel I avoided him.

By Mr. CONGER:

Q. Are there any grounds whatever for the imputation made by this committee that you have helped to get Ferguson away?—A. Not that I know of.

Q. Or that anybody connected with the custom-house did?—A. I never heard of any.

Q. Do you know of any reason why you or your brother, or anybody connected with the custom-house, should want Ferguson kept away?—A. No, sir; I do not see why they should.

By Mr. NEW:

Q. Do you know of any imputation made by this committee upon you, except the questions they have asked you?—A. None that I know of.

By Mr. STEVENSON:

Q. Do you know of the committee making any imputation of that kind?—A. That is the first I have heard of it.

By Mr. REILLY:

Q. You knew the fact that Ferguson was a witness at Washington?—A. I knew the fact.

Q. You knew the fact that you were there and remained there a week?—A. Yes, sir.

Q. And you knew that the conduct of your brother, as deputy collector of this port, among others, was being investigated?—A. Yes, sir.

Q. You knew that Mr. George W. Carter was his counsel?—A. Yes, sir.

Q. And you were in his company?—A. Yes, sir.

Q. And you know that since that Mr. Ferguson has not appeared in this city?—A. Yes, sir.

Q. And you know the last you saw of him was the night before you left Washington?—A. It was a few nights before.

Q. Did not you say it was the night before?—A. No, sir; I said I saw Mr. Molair the night before.

Q. Was Mr. Molair a friend of yourself and your brother?—A. Not a particular friend. I know him; that is all.

Q. Do you know that Mr. Molair was very active about our committee-room in Washington?—A. I believe he was.

Q. Do you know that he manifested great interest in Ferguson's testimony?—A. Nothing more than telling me what had taken place in the committee-room.

Q. Do you know that he was very active to have a written copy of Ferguson's testimony?—A. I applied for that myself.

Q. Do you know that Molair was also anxious for it?—A. Not that I know of.

Q. Do you think in asking you these questions there is any imputation upon you? Is it not a legitimate subject of inquiry by this committee to ascertain, if they can, where Ferguson is?—A. I do not blame the committee for trying to find out every-

thing they can, but I do not see that it has any bearing on me. The fact of my being in Washington and the fact of Mr. Ferguson not coming here since, does not affect me at all. As I told the committee before, I strictly avoided seeing Ferguson in Washington, for the reason stated. The committee is also aware that they have never seen me around the committee-room at Washington. I should not have come to-day but that I was subpoenaed.

By Mr. CONGER :

Q. You were subpoenaed or notified by the committee that they wanted you here?—

A. Yes, sir.

NEW ORLEANS, June 14, 1876.

CHARLES A. WHITNEY sworn and examined.

By Mr. CONGER :

Question. Are you a resident of this city?—Answer. Yes, sir.

Q. For how long a time have you been here?—A. About nine years.

Q. What is your business in the city?—A. Agent of a steamship-line and a railroad. I am agent for Mr. Charles Morgan.

Q. Does your business bring you at all into contact with the custom-house business?—A. Yes, sir.

Q. To what extent?—A. We have to pass bonded goods consigned to us from different ports of Europe, and attend to the entries and clearance of our ships.

Q. Is your business of such a kind that it requires frequent communication with custom-house officials?—A. Yes, sir.

Q. In all the different branches of the custom-house?—A. Yes, sir.

Q. Has that connection with the custom-house been personally with yourself?—A. Yes, sir.

Q. For how many years?—A. During the whole of the last nine years, either myself or my partner, Mr. A. C. Hutchinson, has attended to it.

Q. Has your business with the custom-house department been so extensive that you know the manner in which that business has been carried on during that time?—A. My answer to that question will only embrace the business in regard to the entry and clearing the ship, and the entrance and clearing of bonded goods.

Q. What has been the management of the custom-house, from your experience of it; has it been done properly or improperly, regularly or irregularly conducted?—A. So far as I know, the business of the custom-house has been conducted so as to give as many facilities to merchants as possible. I know of nothing irregular in any shape or manner myself, or have no cognizance of anything of the kind.

Q. Has your business always been done promptly?—A. Always.

Q. And your intercourse with the officials has been pleasant and proper?—A. Yes, sir.

Q. Have you ever had causes of complaint against officials for want of courtesy or promptness in the management of your business?—A. No, sir.

Q. Do you know of any connivance at any frauds or irregularities on the part of the custom-house officials?—A. Not the slightest.

Q. You state, then, that, so far as your knowledge is concerned, the business of the custom-house has been properly conducted?—A. Yes, sir.

Q. For the interest of the Government and the convenience of the business community?—A. Yes, sir.

By Mr. REILLY :

Q. Do you have a private bonded warehouse for your goods?—A. Yes, sir.

Q. Do you give bond in due form?—A. Yes, sir.

Q. You have experienced no inconvenience or trouble in having your goods consigned or delivered to your own warehouse?—A. Not the slightest.

Q. You never had any of them sent to general order against your protest or objection?—A. No, sir.

Q. Did you ever have any difficulty about having them hauled by draymen that you selected or desired to haul?—A. None whatever.

By the CHAIRMAN :

Q. To your knowledge, no irregularities or frauds exist in the custom-house?—A. No, sir; but I can hardly answer that question.

Q. Do you know of the existence of any fraudulent pay-rolls in the custom-house?—A. No, sir.

Q. Would it be possible for such frauds to be committed on the Government without your knowledge?—A. I think it is very likely; we generally give no attention to anything except to our own business.

Q. The knowledge you have of the way the Government business has been conducted is entirely personal, and has reference only to your own business?—A. Altogether, sir.

NEW ORLEANS, *June 14, 1876.*

EDWARD B. WHELOCK sworn and examined.

By Mr. CONGER:

Question. Are you a resident of New Orleans?—Answer. I am.

Q. How long have you resided here?—A. Since 1849.

Q. And in what business, if any, have you been engaged that would make you familiar, more or less, with the management of the custom-house?—A. I have been in the wholesale drug business since 1854; prior to that time I was a clerk to an importer.

Q. You are an importer now yourself?—A. Yes, sir.

Q. Have you had, since your residence in the city, business relations with the custom-house department?—A. I have, to no very large extent, but as much as the interest of the business required.

Q. Have those relations continued up to the present time?—A. Yes, sir.

Q. State, from your knowledge of the mode of conducting the business in the custom-house department, how it has been conducted with relation to the interests of the Government and the convenience of the business men?—A. In my transactions with the custom-house officials I have never had any reason to take any exceptions to what has been done.

Q. Has your business been done regularly and with promptness?—A. Always.

Q. Have the officials been courteous in their communication with you?—A. Always.

Q. Have the interests of the Government, so far as your observation went, been properly guarded and protected by the officials?—A. Yes, sir; as far as my knowledge goes.

Q. For sake of the effect of it, may I ask you what your political opinions are?—A. I am a democrat.

Q. All over?—A. All over, and always have been.

NEW ORLEANS, *June 14, 1876.*

DAVID L. RANLETT sworn and examined.

By Mr. CONGER:

Question. Are you a resident of this city?—Answer. Yes, sir.

Q. For how long a time?—A. Nearly forty years.

Q. In what business are you now engaged in this city?—A. Commission business.

Q. Connected with importers?—A. Yes, sir, simply.

Q. How long have you been engaged in any business that connects you with anything relating to the custom-house?—A. Several years ago I was largely engaged in it, but latterly I have not been engaged in it so much.

Q. Have you been largely engaged in it since the present collectorship of Mr. Casey?—A. Not very largely, but I have been to some extent.

Q. From the time that Mr. Casey has been collector have you had any opportunity at all of knowing how the custom-house business was conducted?—A. Not particularly, but all the business I have done in the custom-house since his administration has been correctly done in my judgment.

Q. You have always been in the same business?—A. Yes, sir.

Q. Have the conduct and management of the officials in that department, so far as they have come to your knowledge, been, first, in the interest of the Government, and, secondly, have they been courteous and prompt to business men?—A. So far as my experience goes, I can say yes to that.

Q. Have you ever had any reason to complain in regard to the management of the custom-house in connection with your business?—A. None whatever.

Q. Have you had conversations with other business men on that subject?—A. I do not remember that I have.

Q. Have you had occasion to know, from your connection with it, or your observation of it, frauds or wrongs committed upon the Government?—A. No, sir; I know nothing of that kind.

Q. Well, so far as you know, the management of the custom-house department has been proper, so far as the Government is concerned, and courteous to the business men?—A. So far as I am concerned it has been.

Q. May I inquire your political affinities?—A. I am a democrat, sir.

Q. All over?—A. All over; and always was.

By Mr. NEW:

Q. You predicate what you have stated upon such personal knowledge as you may possess yourself regarding your own business?—A. Yes, sir; entirely so.

Q. You have no knowledge of any other transactions?—A. I have no knowledge but of my own.

Q. Do you know what the general reputation is of the Federal officials in this city?—
A. I believe it is generally good, so far as I know; some little, trifling complaint occasionally, but there is nothing of any consequence that I know of.

NEW ORLEANS, *June 14, 1876.*

ALBERT BALDWIN sworn and examined.

By Mr. CONGER:

Q. Are you a resident of this city?—A. Yes, sir.

Q. For how long a time?—A. About nineteen years.

Q. And during that time what has been your business in the city?—A. Merchant.

Q. Are you a president of a bank?—A. Yes, sir.

Q. Have you been an importer, largely?—A. Yes, sir; largely.

Q. Has your business required you to have considerable knowledge of the management of the custom-house business here?—A. Yes, sir.

Q. Up to the present time?—A. Yes, sir.

Q. State, so far as you have had connection with the custom-house under Mr. Casey's administration of it, how it has been managed?—A. The business has been done very promptly and satisfactorily, so far as the house which I represent and am a member of is concerned.

Q. Has its management been correct and proper so far as the business of the United States is concerned?—A. I think so.

Q. Have its officers been prompt and courteous to importers, so far as your knowledge goes?—A. I have always found them so.

Q. With all the gentlemen doing business with them?—A. Yes, sir.

Q. Have you had occasion to make any complaint as to the mode of transacting your custom-house business?—A. Perhaps in one or two instances I have. I remember one in particular. When I reported it to the collector it was promptly rectified.

Q. That was a complaint against an inferior officer?—A. Yes, sir; against a subordinate officer.

Q. On the whole, what do you say as to the management of the custom-house business by its officials here under Mr. Casey's control?—A. It has been entirely satisfactory.

Q. Do you think that the Government interests have been properly guarded and protected by the custom-house officials?—A. I believe so, but I judge so simply from my own stand-point.

Q. What is the reputation among other importers and business men, as to the relations of the custom-house with them?—A. I have never heard anything that would warrant anything derogatory to their reputation.

Q. In your conversations with other business men you have never heard anything against them?—A. No, sir; nothing that would seem derogatory to its good management.

By Mr. NEW:

Q. When you say you have not heard anything from business men derogatory to the good management of the custom-house, you mean so far as related to the business that they, like yourself, personally had with the custom-house?—A. Yes, sir; I mean particularly in regard to the collection of the revenues.

Q. You did not refer to anything outside of that?—A. I did not refer to anything beyond that.

By Mr. REILLY:

Q. What class of goods do you import?—A. Hardware.

Q. Did you ever have any difficulty about having your goods consigned to general order?—A. There was an instance—the one I alluded to before—but that was rectified very promptly.

Q. And that was the only occasion you had any difficulty of any kind?—A. Yes, sir.

Q. You never encountered any obstacles or difficulty through having your goods consigned to general order when you objected to it?—A. Not since that time, or prior to that time that I can recollect.

By Mr. CONGER:

Q. About how many years have you been here?—A. Nineteen years. I was in the dry-goods business the first few years I was here.

Q. Were you an importer then?—A. The houses I was with were.

Q. So that during more or less of these nineteen years' residence you would have knowledge of the custom-house business?—A. Yes, sir.

Q. Is the custom-house managed as well now as under other administrators?—A. I think so.

NEW ORLEANS, *June 14, 1876.*

LAMBERT B. CAIN sworn and examined.

By Mr. CONGER :

Q. Are you a resident of New Orleans ?—A. Yes, sir.

Q. For how long a time have you been a resident ?—A. I have been here for many years.

Q. What business have you had in the city to bring you in connection with the custom-house ?—A. I have had business all the time. I am an importer ; we have been importers of foreign goods for a great many years—a great many before the war.

Q. Has your business made you acquainted with the manner in which business is done at the custom-house ?—A. Daily ; I am called there daily.

Q. During the time of your business connection with the custom-house, under Mr. Casey's administration, state how the business of the custom-house has been managed.—A. I have no complaint to give as importer. I have had nothing put in my way that any respectable man could complain of according to law. If I had anything to complain of I went there and gave my reason ; if I was right, it was corrected ; if I was not right, I had to put up with it.

Q. As far as you know, have the custom-house officials properly protected the interests of the Government ?—A. I believe they have, so far as I know.

Q. As far as you know, have they conducted themselves courteously and promptly toward business men ?—A. They always have with me, or with any gentleman of my firm that attended to that business.

Q. Among business men, what is the reputation of the custom-house officials for promptness and courtesy in business matters, so far as you have heard those men speak about it ?—A. That depends upon a man's character. A man may make himself very unpleasant even when the officials are simply being just to the Government and to the party himself. So far as I know, I have nothing to complain of, and I do not suppose there is a house here that has imported, during the last ten or fifteen years, or imports at the present time, a larger amount of goods than I have done, either with the old firm or with the new firm, which started a year ago.

Q. And you yourself have had personal knowledge of the business of the custom-house ?—A. I generally attend to the custom-house business myself.

Q. And, so far as you are concerned, it has been properly and satisfactorily conducted ?—A. I have had no trouble whatever. If I had any complaint, I made it in the proper shape, and if I was right it was corrected, and if I was not right, then I was wrong, and I had to put up with it.

NEW ORLEANS, *June 14, 1876.*

PAUL LETELLIER sworn and examined.

By Mr. CONGER :

Q. You reside in this city ?—A. Yes, sir.

Q. For how long have you resided here ?—A. Nine years.

Q. What has been your business during this time ?—A. I have been in the leather business.

Q. You have been an importer ?—A. Yes, sir.

Q. Have you had frequent business with the custom-house ?—A. Every time I had something to import I had to make my entry.

Q. State whether your business at the custom-house has been properly and promptly conducted ?—A. Yes, sir ; it has been always promptly conducted. I have nothing to complain of.

Q. As far as you know, have the officers there protected the interests of the Government ?—A. Yes, sir.

Q. And they have been courteous and polite to importers ?—A. Yes, sir.

Q. And to others, as far as you know ?—A. I do not know, but I believe so.

Q. Is it generally understood among importers that their business in the custom-house is done properly, so far as you know ?—A. Yes, sir.

NEW ORLEANS, *June 14, 1876.*

JOHN J. HANNON sworn and examined.

By Mr. REILLY :

Question. Do you live in this city at present ?—Answer. Yes, sir.

Q. Are you foreman for the firm of Kurscheedt & Bienvenu ?—A. Yes, sir.

Q. State whether in that capacity you were employed in the construction of the custom-house building.—A. I was.

Q. State what men you had charge of, and what position you occupied there.—A. I was foreman for Kurscheedt & Bienvenu while they were doing all the marble-work in the general business room, and afterward I was their foreman for the tiling.

Q. Were there any men employed there who were not under your control, or who were not in the employ of Kurscheedt & Bienvenu?—A. Yes, sir.

Q. Can you give the committee a list of the names of the men who were employed by your firm, and of whom you had charge?—A. I can give it only from memory.

Q. How long were you so engaged there as foreman, and how long did these men work?—A. I forget what time it was in 1873; I have no record of it. In that year we started fluting the columns. First we did the tiling in the post-office. When we got through fluting the columns, we started to finish the room.

Q. What was the length of time you were engaged altogether by Kurscheedt & Bienvenu in the custom-house?—A. Perhaps two and a half years. We stopped sometimes. We worked steady about two and a half years.

Q. Give the list of names of the parties who were so employed by Kerscheedt & Bienvenu.—A. The following is a statement of all I can recollect; it is impossible for me, however, to remember all of the names: Jos. Taylor, P. Moore, George Barren, William Gibson, M. Dooley, John Leggett, F. Leonard, James Murphy, George Murphy, John McGowen, E. O'Donnell, R. Marvel, P. Sheehy, E. Mallen, J. Oscar, William McGlochlin, John Healy, C. Daley, J. Daley, John Tannev, J. Gibbons, P. Barren, L. Ancoin, L. Punecky, F. Hall, D. Warburg, E. Burke, and J. Creeden.

Q. Did not you keep any record of them?—A. No, sir.

Q. Did not you keep a time-book?—A. Yes, sir.

Q. Where is it?—A. I used to keep it every month till it got full, and then I laid it aside.

Q. What class of work did these men do?—A. All our men were mechanics.

Q. Do you know what wages they were paid?—A. They were paid various rates.

Q. Give us the rates for these men.—A. I do not know what they are now; I could not tell you. Where they were good men I would pay them more than I would bad men.

Q. Tell us if you know anything about this document? [pay-roll for October, 1874, No. 3.]—A. I recognize all those names—every one of them.

Q. Look through this? [pay-roll No. 2, October, 1874.]—A. I know the men, but they did not work for me. McDermott and Stringer worked for us sometimes and sometimes for the Government. I do not believe they worked for us at that time. Pisica did not work for us at that time. These men worked under me, but not under Kurscheedt & Bienvenu. There was nobody that understcod the work, and I had to do it.

Q. You think that list you have given us includes the whole number of the men that worked under you?—A. I think they are all, but there may be one or two men that I have not got down there.

Q. Look at the rate of wages marked down there, purported to have been received by each of these men, and state whether you know that they received that amount of money, [pay-roll No. 3, for October, 1874.]—A. I recognize some names that were paid a good deal more than this says, and some were paid less. You could not get a man for that price. I paid some more and some less.

Q. How much were you paid?—A. Ten dollars a day; I never worked for less.

Q. But you receipted for only six dollars?—A. Yes, sir.

Q. How did that come?—A. I worked for Kurscheedt & Bienvenu.

Q. These \$6 purports to be a receipt from the collector of customs at this port, paid by the United States Treasury?—A. Those rolls were sent to us to sign; that is all I know about it.

Q. Did you sign that name after that pay-roll was filled up?—A. I never signed in blank but twice, nor did anybody else, and then they were triple sheets, and one was filled but the other two were not.

Q. Can you explain to the committee how it came that these men receipted on these Government pay-rolls for this amount of money, and got more money from Kurscheedt & Bienvenu?—A. Because they were better workmen. I had to have some good workmen to get along with the botches.

Q. Why did not these men who got more wages receipt on this roll for more?—A. That I cannot understand. These rolls were sent to us to sign, and we signed them.

Q. Is that all you know about it?—A. That is all I know about it.

Q. Can you explain why men who signed on there for a certain sum received less?—A. Because they were not worth more; we wanted to equalize it.

Q. Why is there a certain amount on that pay-roll more than they got?—A. All that I know is that I hired the men, and I paid them what I thought they were worth. I made the wages myself; sometimes I paid more than is down there, and sometimes I paid less.

Q. Did you have any conversation with Colonel Morse about the making up of these rolls?—A. No, sir.

Q. Or about the rate of wages?—A. No, sir.

Q. You received no instructions as to the amount of money that should be put in?—A. No, sir.

Q. Do you know whether those rolls were filled out by Kurscheedt & Bienvenu, or by Colonel Morse?—A. They came from the custom-house.

Q. To Kurscheedt & Bienvenu's office?—A. Yes, sir; they were returned at once, as soon as the men had put their signatures to them. The rolls were generally signed since October, 1874, at the custom-house; they were not signed at our store, but the men were paid there.

By Mr. WOODBURN:

Q. Were you present when these men signed the receipt on the vouchers?—A. Yes, sir.

Q. Was anything said by any of the men, or by any of the parties that paid the money, as to why more pay was paid to some men than they were entitled to on the vouchers?—A. No, sir; every man was satisfied.

Q. Can you tell how many men received more than \$3 a day?—A. On this roll, I only see two or three.

Q. Do you know how many on that roll received less than \$3 a day?—A. I could not say; I forget, now.

Q. Did it strike you as being strange that these men who received more than \$3 per day receipted for only \$3?—A. That was none of my business.

Q. Did you form any opinion about it at the time?—A. Yes, sir.

Q. What was your impression or opinion?—A. I thought it was a contract, and that Kurscheedt & Bienvenu were to receive so much a day for their profits. They paid sometimes every two weeks, and sometimes every other night.

Q. Were these men paid at the custom-house, or by Kurscheedt & Bienvenu?—A. I paid on behalf of Kurscheedt & Bienvenu.

Q. Suppose the sums that were paid the men which were less than \$3 a day were added to the sums that were paid in excess of \$3 a day, would they aggregate \$3 a day?—A. I don't think they would.

Q. What would be the average?—A. I think the average would be about \$2.75 a day. That is the way I calculate it.

Q. Did you ever say anything to Kurscheedt & Bienvenu about the men signing these rolls for \$3 per day, when they got more?—A. No, sir.

Q. Did they ever say anything to you about it?—A. No, sir.

Q. Did the men say anything about it?—A. They had nothing to say. I do all the business of Kurscheedt & Bienvenu in the marble line.

Q. Did it strike you that, in these receipts by men who signed for \$3 and got more than \$3, there was anything dishonest?—A. No, sir.

Q. Why did you think there was nothing dishonest in it?—A. I think those men getting more were worth it, and those getting less were not worth it.

Q. Did it not strike you as strange that the entire roll got just \$3 a day?—A. No, sir; not if it was a contract job.

Q. How do you explain it?—A. I explain it, as far as my idea of the matter goes, by saying that Kurscheedt & Bienvenu received \$3 a day for the men, and they paid the men through me what they considered they were worth.

Q. And they took the profit?—A. Yes, sir.

Q. About twenty-five cents a day a man?—A. Yes, sir. And these men, some of them, were pretty good mechanics, and I could not get along without them, and they would not work for less, and I had to pay them the wages they asked.

Q. Do you recognize that contract? [Contract shown.]—A. I have seen it before.

Q. Was that the contract under which your firm worked and hired these men?—A. Yes, sir.

The following contract was then introduced:

"Whereas, the undersigned, J. F. Morse, superintendent of the New Orleans custom-house, has been duly authorized by Larnard, Fisher & Co. of New York, contractors for fluting the columns in the general business-room of said custom-house, to organize and employ a force of workmen to do said work, the said Morse, in pursuance of the authority conferred by said contractors, hereby agrees with Kurscheedt & Bienvenu as follows:

"The said Kurscheedt & Bienvenu on their part agree to put a competent foreman upon the work at \$6 per day, and to put not less than twelve experienced and competent marble-cutters on said fluting at \$4 per day for ten hours' labor, and the said Morse on his part agrees to pay or cause to be paid to said Kurscheedt & Bienvenu the rate of wages above specified at or near the close of each month, from the time of beginning to the completion of the work; and said Morse shall have the right for cause to discharge the foreman or any of the men employed on the work.

"J. F. MORSE, *Superintendent*.

"KURSHEEDT & BIENVENU.

"NEW ORLEANS, May 16, 1873."

Q. Are you the person referred to in that?—A. No, sir.

Q. Who is the person?—A. He is the agent of Messrs. Larnard, Fisher & Co., of New York.

Q. Was it not by virtue of the terms of that contract that you signed a receipt for \$6 a day, instead of \$10 a day?—A. Certainly.

Q. Because the Government was to pay \$6 a day for a competent person to take charge of the work?—A. Yes, sir; but I did not recognize the Government at all.

Q. You recognized Kurscheedt & Bienvenu.—A. Yes, sir.

Q. And because they entered into a contract with Mr. Morse for \$6 a day, that was the reason that this was signed in that way?—A. I suppose so.

By Mr. REILLY:

Q. Do you know anything about what the instructions of Mr. Morse were from Washington?—A. No, sir.

Q. Do you know whether his authority was to make a contract to have this work done on a percentage?—A. No, sir; I think it was Larnard, Fisher & Co., that employed Mr. Morse to do that.

Q. Then you think that Morse was not an official of the United States Government?—A. No, sir; I do not think so.

Q. You do not know that he was the official superintendent of construction at this place?—A. I do.

Q. Then he was not acting for Larnard, Fisher & Co., but for the United States Government?—A. I was under the impression that he was acting for Larnard, Fisher & Co. so far as the general business room was concerned.

Q. But not for the United States Government?—A. I suppose he was acting for both; he had charge of the whole building.

Q. You know nothing about the instructions to him being that the work was to be done by Larnard, Fisher & Co., and they were to be paid a percentage of 15 per cent. on the wages of the men that they furnished?—A. I do not know anything about it of my own personal knowledge.

NEW ORLEANS, June 14, 1876.

JOSEPH G. BIENVENU sworn and examined.

By Mr. WALKER, (counsel for Kurscheedt & Bienvenu:)

Question. State whether the work in the interior general business room in the custom-house was done under the contract that has been put in evidence.—Answer. Yes, sir; under that contract, and under no other.

Q. State what you know about the following letter:

“NEW YORK, May 16, 1874.

“GENTLEMEN: I am this morning in receipt of advice from Colonel Morse, superintendent, &c., that you are willing to go on with the work on the columns, &c., in accordance with the terms stated in my letter to you of the 1st instant.

“You will please commence as soon as he desires you to, and I hope you will not have to wait long for the money, which will be promptly remitted to you when the appropriation is available, and we are in receipt of the vouchers to collect it. I hope, agreeably to my request last week, the Department will ask the Senate Committee on Appropriations to amend the deficiency bill now before them by the addition of \$100,000 for the continuation of the work on the New Orleans custom-house, which I hope will give us the money at an early day.

“We have sent and delivered a very expensive, and, as we think, very well finished marble counter to the custom-house, for which the superintendent is to fix the price at New Orleans rates.

“If you can aid him and us in determining the value, you will oblige yours, very respectfully,

“C. P. DIXON,
“For LEARNARD, FISHER & CO.

“Messrs. KURSCHEDT & BIENVENU,
“New Orleans, La.”

A. The last two summers I have been away from New Orleans, and a great many things have passed that I do not know about personally.

Q. Whom were you paid by for that work?—A. By Mr. Dixon, the agent for Larnard, Fisher & Co., the New York contractors.

Q. Did you ever receive any money on that contract from any one else except Larnard, Fisher & Co.?—A. Not a cent.

Q. Did you have any other contract, or did you perform any other labor in the New Orleans custom-house building other than that included in that contract?—A. I had a great deal of other work. We laid all the tiling in the third story of the post-office and put up some marble sills, and different things.

Q. In what manner were you paid for that?—A. We sent our bill to the custom-house—so many feet of tiling, at so much a foot, so much.

Q. Was there any labor charged for in them or any pay-rolls signed for it?—A. No, sir; not to my knowledge. We furnished our own men, and in connection with that part of the work we contracted to lay the tile at so much a foot.

Q. That was the only work you performed in the custom-house outside of your contract with Larnard, Fisher & Co.?—A. No, sir, we did some other work; we made some wash-stands for Bartlett, Robin & Co., of Baltimore.

Q. Were you paid on a voucher for that?—A. We made out a bill to Bartlett, Robin & Co. to pay Kurscheedt & Bienvenu so much.

By Mr. REILLY:

Q. Did you make this contract with Larnard, Fisher & Co. direct?—A. No, sir; we made it with his agent, Mr. Dixon.

Q. This contract is signed by Mr. Morse.—A. Morse is agent for Larnard, Fisher & Co.

Q. Do you know whether Mr. Morse was at that time superintendent of construction?—A. Yes, sir.

Q. He held the position at that time under the United States Government?—A. I think he did.

Q. Do you know anything about the terms of the contract between Larnard, Fisher, & Co. and the Government?—A. Not a word.

Q. Do you know that by the terms of that contract they were to do this very work that you were engaged at, at the current rate of wages in New Orleans, to which was to be added 15 per cent.?—A. No, sir; I did not understand that at all.

Q. And you did not know that that is the contract which exists between the Secretary of the Treasury and Larnard, Fisher & Co.?—A. No, sir.

Q. The men that you had employed there signed Government pay-rolls?—A. They signed anything in the world that he sent me; if he had sent me the family Bible, I would have had them put their names to it.

Q. You did not inquire what the purpose of having those vouchers was?—A. No, sir; I had the pay-rolls signed, and I was satisfied.

Q. And you received your money from Mr. Dixon?—A. By checks from New York.

Q. Altogether?—A. Altogether. Once, I think, I was not here.

By Mr. WALKER:

Q. What do you understand to be the rights of Larnard, Fisher & Co., in regard to work there in the custom-house?—A. I understand they had a contract since 1849—that they took the original contract.

Q. Do you understand that they had the exclusive right to do the work under some pre-existing contract?—A. They had the exclusive right under the contract that they held; all the ornaments in the marble room that they furnished, have actually fallen to pieces; they have been there twenty-five years. They had the contract to furnish everything.

Q. And no one else was allowed to contract directly with the Government?—A. They controlled that contract, and they could give it to whoever they pleased.

By Mr. CONGER:

Q. State whether any part of the excess on the rates as stated in that pay-roll for the labor of the men went to your firm.—A. Every dollar of it.

Q. Did any part of it go to Mr. Morse?—A. Not a cent of it.

Q. Do you know that?—A. I know it.

Q. Can you tell why he made a contract with you to pay \$6 a day and \$4 a day, and signed that contract, and then certified vouchers to the men for only \$1.75, \$2, and \$2.50 a day; was there not any talk with him about why he allowed you to draw so much larger an amount than you paid the men?—A. At the time we were receiving \$4, the men were getting more than that amount; I think they were getting \$3.75, and some of them more. Subsequently when Messrs. Larnard and Fisher said they could not pay \$4, the wages were cut down.

Q. You did not pay the men the amount which the contract called upon the Government to pay?—A. No, sir.

Q. Or charge Larnard, Fisher & Co. with it?—A. No, sir.

Q. Did Mr. Morse know of your receiving your money from Larnard, Fisher & Co.?—A. I suppose so.

Q. He knew that these Government rolls for the wages of these men were made out for a larger sum than the men really received?—A. He knew that he was allowing us \$4 and \$3 for the men; of course he knew that.

Q. Did not he know that these workingmen were only receiving one-half or two-thirds of it?—A. I never told him that. I considered it my private business; he did not ask about it.

Q. Was there some arrangement between you and Mr. Morse by which he was to receive some of this pay?—A. No, sir; not a cent; he never asked for it, and I would not offer it to him.

Q. Was not there any one in that office who received money in that way?—A. No, sir; we got every picayune that was paid to us.

Q. The men signed Government pay-rolls?—A. Yes—pay-rolls; I do not know what they were.

Q. In that roll the amount of \$3 a day was pretended to be paid to the men?—A. Yes, sir.

Q. But the men were only paid \$1.75?—A. Yes, sir.

Q. Would not Mr. Morse know that these men were only paid \$1.75?—A. That I cannot answer; I do not know; I did not bother myself about Mr. Morse.

Q. If you were entitled to \$4 a day per man, why did not you put \$4 a day on the pay-roll instead of \$3?—A. I told you that they reduced from \$4 to \$3; Messrs. Larnard, Fisher & Co. said they could not pay more than \$3.

Q. When was that reduction?—A. That I do not remember.

Q. As near as you can tell?—A. I have been away for two summers.

Q. About what year was it?—A. It was about October, 1874, or something about that time.

Q. Did not your brother do this business for Mr. Morse?—A. He made the contract with Mr. Morse.

Q. He knew more about this arrangement than you did?—A. Yes, sir; I think he does.

Q. Then he may know whether Mr. Morse knew about these transactions, if you do not?—A. I suppose so.

Q. Where is he?—A. He is in town.

By Mr. WALKER:

Q. In all your transactions, or those of your firm with the officials of the custom-house, did you ever give them or allow them any consideration, rebate, or discount?—A. Not a cent.

Q. Out of the funds received by you?—A. No, sir; we got every dollar that was paid.

Q. Did you solicit the contract from Mr. Morse of the 16th of May, 1873?—A. We did not.

By Mr. STEVENSON:

Q. How do you explain the fact that the pay-rolls were signed for a larger amount than the employés got?—A. Because the employés agreed to work for a certain amount, and we, according to our contract, were entitled to charge so much for each man.

Q. And they had to receipt at \$3, when they got only \$1.75 or \$2?—A. Yes, sir.

Q. What became of that excess?—A. We put it in our books.

Q. How did you come to charge these men, and make them receipt for, more than you paid them?—A. Because that was our agreement. We charged so much for each man. Larnard, Fisher & Co. were to give us so much for each man we had on the work.

Q. Did the custom-house officers know anything about that arrangement?—A. No, sir.

By the CHAIRMAN:

Q. Who was their agent?—A. Superintendent Morse.

By Mr. REILLY:

Q. Did Larnard, Fisher & Co. know the amount of money you were paying your men?—A. No, sir.

Q. When you made up your statement first, you made it up at \$4 a day?—A. Yes, sir, in every case, and afterward at \$3 a day. When he reduced it from \$4, we made it out at \$3. Some men got more than the roll called for and some got less.

NEW ORLEANS, June 14, 1876.

C. W. JOHNSTON recalled.

By Mr. STEVENSON:

Question. Make whatever statement you wish.—Answer. I wish to state that when I was before the committee on Monday I ought not to have been here at all, simply because I was under the influence of liquor, and I did not know what I was saying.

half the time. When I picked up a newspaper yesterday morning I was utterly dumb-founded at the report of my testimony that I read. I knew nothing whatever about what I had said.

Q. State to the committee what is true in regard to your testimony about the secret political society in New Orleans.—A. I promised the committee, I believe, to bring down the by-laws of that society. I have brought them here, and I would ask the committee, and no one else, to merely look over the by-laws. [The witness produced a book containing the by-laws referred to.] This is the original. I brought a copy of them here yesterday, but General Gibson requested me to bring the original, which I have done.

Q. You stated that you belonged to a secret political organization?—A. That is where I made one mistake. Here is the whole thing in this book. There is one thing I would like to correct. I notice the newspaper report of my testimony on Monday says that I made the remark that Fred. L. King, Boswell, Samuel Bassell, John Kaiser, Gaudet, William Blake, and M. J. Connors were on the roll to my knowledge. I should like to correct that, and say that that is hearsay as to M. J. Connors and William Blake. I saw the names of King, Boswell, Bassell, Kaiser, and Gaudet.

[Mr. CONGER objected to the witness correcting his testimony from the newspaper report.]

Q. Go on from your memory as to what you stated, and state now whether it was correct or not.—A. It seems that I must have stated that Mr. Connors and these gentlemen were not engaged in business in 1872. I know that they were engaged in business up to October 1873, and I ought to have said that. I did not understand.

Q. What else do you wish to correct?—A. I made the remark that I saw the man pass the money for Fred. L. King to Casey's brother, N. W. Casey. That must surely be a misprint, because Mr. Casey did not collect the money in the first place, and I do not think I ever said it. Mr. King got his check from Mr. Casey's desk and brought it to the cashier. The paper also says that King owed me \$35 or \$40 for house rent; it ought to have been \$20; but that was in 1875, not in 1872. The paper also says that I made the remark that Captain Diamond was subpoenaed with me and that I refused to say whether he was a spy or not. When the subpoena was served on me I asked what was Diamond's name doing on it, and they said it was just the same as if Diamond's name was on a separate subpoena. I know nothing about that, but I know that my name and his were on the same subpoena. I don't know that Diamond was a spy. Again, the paper speaks in relation to Captain Flood. He is not known in anything of this kind whatever. It also says I belong to a secret political organization. If I brought the word "political" in there I was wrong.

Q. State what kind of an organization it was—whether political or not?—A. It was not a political organization; it was a social organization that we had got up among ourselves, and I should also state—

Q. You say it is a social organization?—A. Yes, sir.

Q. Who compose that organization?—A. We have thirty-five members in each section.

Q. How many sections are there in the city?—A. Four.

Q. What is the object of that organization?

The WITNESS. Would you like me to explain the whole thing publicly?

Q. Explain whether it has anything whatever to do with politics?—A. Nothing whatever except simply to try and detect any frauds whatever. The name of neither political party is mentioned.

Q. Is it connected with any political organization?—A. No, sir; it is a social organization got up in the city, and has been in existence since 1872.

Q. Why did you state the other day that it was a secret political organization?—A. As I have told you before I was under the influence of liquor, and did not know what I was saying.

Q. When you stated that it was a secret political organization, state whether you were intoxicated at that time?—A. I was, and the reason I came up now is to refute what I said then.

Q. What is the name of that organization?—A. The Young Men's Social Protective Association.

Q. Have you the by-laws with you?—A. Yes, sir.

Q. Are you willing for them to be read?—A. I would not like to have them read in public. I brought a copy of them here yesterday and I understood from the chairman that I would have to bring the original, which I have done to-day.

By Mr. WOODBURN:

Q. Are you perfectly sober now?—A. I am; I believe I am.

By the CHAIRMAN:

Q. Do you offer this book in evidence, containing the by-laws that were demanded the other day?—A. Yes, sir.

Q. You produce this book and put it in evidence in obedience to instructions?—A. Yes, sir; I was instructed to bring it down, and have done so.

By Mr. STEVENSON :

Q. State whether that is the only book that you have of the proceedings of that society?—A. No, sir; that is the original constitution and by-laws that I promised to bring here. The other book contains the minutes for the last two years, and the names of the members of the club.

Q. Have you erased anything from this book?—A. Not one iota; that is the original old book.

Q. That is the book of which you testified the other day?—A. Yes, sir.

By Mr. WOODBURN :

Q. Do you remember the fact that you testified before this committee a couple of days ago?—A. Yes, sir; I recollect being here, which I ought not to have been.

Q. Do you remember how long you were before this committee testifying?—A. No, sir; I do not.

Q. Do you recollect under what circumstances you came?

The WITNESS. How I came in the building, do you mean?

Mr. WOODBURN. How you came here to testify before this committee.—A. Yes, sir; I was here last Saturday.

Q. You are familiar with the circumstances that led to your coming here?—A. When I was brought on the stage by the subpoena I asked what they wanted with me, and they said they wanted me.

Q. Were you drunk or sober?—A. I was sober on Saturday.

Q. What day was it you testified here?—A. On Monday.

Q. How long before you came to the committee-room did you feel that you were under the influence of liquor?—A. For very near an hour.

Q. Did you know at what particular time you were going to testify?—A. I did not.

Q. Who told you to come in here on Monday?—A. Mr. McMillan; either him or Mr. Garvin; I know that Mr. Garvin had been with me before.

Q. Did you make the excuse to him that you were drunk and not in a condition to testify?

The WITNESS. At that time when I first came in the building?

Mr. WOODBURN. Yes.

The WITNESS. No, sir.

Q. Did you make that excuse to anybody?—A. I don't recollect whether I did or not.

Q. You knew what you were expected to testify to, did you not?—A. I thought I did.

Q. If you were drunk, why did you not make the excuse to the committee that you were incompetent to testify by reason of your being under the influence of liquor?—A. Simply because I was so excited, and all of you talking to me at the same time that I did not know what I was saying.

Q. All the members of the committee were not talking at the same time.—A. No, sir; but you got me excited worse than anybody else in the whole committee.

Q. Were you drunk yesterday?—A. No, sir. I remained here yesterday until half past two o'clock.

Q. Did you remember on yesterday what you testified to on Monday?—A. No, sir; because I got the paper yesterday morning, and I was perfectly dumbfounded at the report of the testimony that I have given here.

Q. Did you not state to gentlemen on the streets, yesterday, that you wanted to come here and take back the testimony you gave in reference to frauds being perpetrated in the custom-house?—A. No, sir; I did not. I said I wanted to come up here and refute some parts of it. That was the remark.

Q. You did not mention the custom-house?—A. I never said anything about it.

Q. Did you not tell a custom-house official that?

The WITNESS. What?

Mr. WOODBURN. That what you said here was not the truth, and you wanted to take it back?

A. I said I wanted to refute part of the testimony I had given.

Q. What was the name of the gentleman to whom you told that?—A. I do not know.

Q. You were sober yesterday?—A. I was.

Q. Were you not acquainted with the man to whom you told that?—A. I recollect him.

Q. What was his name?—A. I recollect talking to Mr. Dawson, if that is the man you speak of. I do not think he is a custom-house official.

Q. Did you speak of any man that is connected with the custom-house in reference to your testimony on Monday?—A. I do not recollect; I spoke to so many men during the day.

Q. What did you tell Mr. Dawson?—A. He came to me and made the remark, "What is all this in the paper?" and I said, "I believe I am just as much dumbfounded at

what I saw in the paper as you are;" and I said if I could get a hearing I wanted to refute some of it.

Q. Was every other sentence that you uttered before this committee on Monday correct, aside from what you have to-day corrected and explained? Was all the rest of your testimony true?

The WITNESS. Do you leave out that society matter?

Mr. WOODBURN. Outside of all that you have explained now, was all your other testimony true?

A. I do not know how you are to get at that.

Q. You have made certain explanations?—A. I have.

Q. Now, was the remainder of the testimony that you gave on Monday true?—A. I would like to have that testimony read off.

Q. I want to know whether it was true or false.

The WITNESS. What I have said to-day?

Mr. WOODBURN. No, sir; what you swore to on Monday, aside from what you have now explained; was that testimony true or false?

The WITNESS. I would like to look over this slip; [referring to slip containing newspaper report of his previous testimony.]

Mr. WOODBURN. I do not care about that. You have made certain explanations and corrections of your testimony because you were drunk. Was all the remainder of your testimony true or false, aside from what you have corrected?—A. The balance of my testimony is true.

Q. Now, if you swear that it is true, then you were not so drunk when you testified but what you recollect what you swore to. If that be true, were you not sober enough so that you now have a recollection of what you testified to, when you can come here and swear that your testimony was true independently of those matters that you have explained away?

The WITNESS. Will you allow me to ask you a question?

Mr. WOODBURN. No, sir; not unless by the direction of the chairman.

The WITNESS. A man under the influence of liquor may recollect a part of his testimony, and forget some other things.

Q. You were not so drunk but what you recollect your other testimony.—A. I can recollect some, and some I cannot; but I was perfectly dumbfounded at the report of some of it.

Q. Was it true that this social society and convivial club detailed you in connection with three other spies to go and watch custom-house officials?—A. Yes, sir; that is—

Q. Is that true or not?—A. We watch everything; either party.

Q. Is that true or false?—A. Yes, sir. We watch anything we are sent to.

Q. Is that one of the duties of that social or convivial club?

The WITNESS. Which one?

Mr. WOODBURN. To detail the members to watch Federal officials.

A. No, sir; it is to watch either side.

Q. Then that is one of their duties?—A. Yes, sir; it is.

Q. Did you ever hear of a social club, organized in New Orleans or anywhere else, having as one of its main objects the watching of Federal officers?—A. We have to watch both sides.

Q. That is one of the reasons why this club was organized, is it?—A. I suppose so; I have been a member of it four years; that was my impression all the time.

Q. I do not want your impression. You are an officer of that club. What is the fact?

The WITNESS. Do you want to find out the records of that club?

Q. I want to know the fact whether that is one of the objects of that social club?—

A. I promised the committee that I would bring you down here a copy of the by-laws, and then you can take your own judgment; that is all I can tell you.

Q. Is that one of the objects of that social club? You are sober now?—A. I am.

Q. Why cannot you answer that question?—A. Because I will not answer another question outside of that club. There is my book; take it and look over it for yourselves.

Q. Do you decline to answer that question now?—A. I do.

Mr. WOODBURN. Then I insist upon an answer.

The WITNESS. I cannot do it. I promised to bring the books, and I have brought them.

Q. Why do you decline to answer if that is an association organized for honest purposes—a convivial society of a social character? If your testimony be true you cannot criminate yourself; there will not be any disgrace attached to your character.—A. We have had no opportunity to watch any other officers but Federal officers.

Q. I ask you why you decline to answer.

The WITNESS. What question?

Q. If your testimony be true, that this is a social organization, and has for its object nothing political, but you merely gather together for social purposes, why do you decline to answer my former question.

The WITNESS. Please state your former question.

Q. Do you not recollect it?—A. No, sir.

The stenographer here read the following question: "Did you ever hear of a social club organized in New Orleans or anywhere else, having as one of its main objects the watching of Federal officers?"—A. Not since this one has been organized; it is the only one I ever knew.

Q. What is the main object of the institution?—A. It is simply a social, protective association.

Q. Explain the meaning of the word "social" as understood by the members of the club?—A. Uniting the men together to watch the city, especially on election-day at each poll.

Q. Do you call that a social club?—A. We consider it so.

Q. Do you not consider that a political organization rather?—A. No, sir; we do not. No side is taken by it.

Q. When you testified the other day that this was an oath-bound organization, was that true or false?—A. It is an oath-bound organization, not to divulge the name of any member.

Q. Was it true or false when you testified the other day that it was an oath-bound organization, and you refused to give names of the members, its objects, and the names of its officers?—A. I refused to give the names of the officers.

Q. Was it true that it is an oath-bound organization?—A. Yes, sir.]

Q. Did you not come here before this committee to-day because you were compelled by the three gentlemen whose names you have mentioned to come here and refute your testimony in reference to them?—A. No, sir.

Q. Did they not force you to do it?—A. No, sir, they did not; the committee themselves requested me to come here.

Q. Have you not had an interview, since you testified here, with some of the gentlemen whose names you mentioned?—A. No, sir; not one of them.

Q. Was it true or false that you saw any men getting money out of the custom-house?

The WITNESS. At what time?

Mr. WOODBURN. Before the election.

The WITNESS. The last election?

Mr. WOODBURN. Yes.

A. No, sir; it was in 1872.

Q. Then you were not so drunk when you testified but you recollect that fact as being true, and that you testified to it?—A. Certainly, I recollect it.

Q. That portion of the testimony you do recollect?—A. I recollect that, and I recollect saying the man got \$105, I believe it was.

Q. How many men got money there that were not entitled to it, in your opinion?—A. In 1872 I recollect one man getting it, to my knowledge.

Q. Is that all?—A. Yes, sir.

Q. Was it true or false that your social club detailed three other men to act as spies, in connection with you, to watch men at the custom-house?

The WITNESS. In our society?

Mr. WOODBURN. Yes.

A. No, sir.

Q. Did you not testify on Monday that your club detailed three other men to act as spies upon the Federal officials?—A. If I did I do not know it. I ought to have said that one section had one man; the other sections each had a man.

Q. Is it not true that your society detailed three men?—A. We had one.

Q. Do you not recollect that you swore that your society had three other men detailed besides yourself?—A. No, sir; I do not recollect it.

Q. Was it true or false that your society was operating under the party called the fusion party?—A. We were working under that party in 1872.

Q. Your society existed then, did it not?—A. It was in operation; it just started at the latter end of the campaign.

Q. Was not the fusion party a political party, and was it not composed of men banded together for political purposes?—A. Yes, sir.

Q. Now, if that society was organized and operating under that political party called the fusion party, was it exclusively a social society?—A. We had nothing to do with—

Q. Answer my question.—A. The fusion party was a political party.

Q. It was a political party, and your society was acting under that party; yet you swore your society was not a political one.—A. We were not ruled by the fusion party.

Q. You said you operated and acted under it.—A. All I said I say to-day.

Q. I am asking you if you did not swear so on Monday.—A. I thought I might have overlooked something.

Q. If what you swore to on Monday be true, aside from that which you have explained away to-day, is not your society exclusively of a political character?—A. No, sir; I do not consider that it is; we watch both sides.

By Mr. NEW :

Q. Did you not swear, when you were before this committee before, that no republican was permitted to be a member of that society ?—A. I do not recollect that.

Q. You do not remember to have so sworn ?—A. No, sir.

Q. What is the fact about that ?

The WITNESS. The fact about which ?

Mr. NEW. Whether a republican can be a member of this society about which you testified the other day.—A. Any man in good standing can join it. If you would read our by-laws you would not ask me such questions as that.

By Mr. WOODBURN :

Q. Did you not swear on Monday that it was a democratic organization ?—A. If I did, I do not recollect it.

By the CHAIRMAN :

Q. Are there any republican members of that society ?—A. We have one.

By Mr. WOODBURN :

Q. What is his name ?—A. I cannot give you that.

Q. If it is a social organization, why object to giving his name ?—A. Simply because the committee have not asked me for it.

Q. I ask you for his name. I want to know the name of the republican to ascertain whether you are making a false or a true statement here.

The WITNESS. Am I compelled to answer ?

The CHAIRMAN. Certainly ; the question is a proper one.

The WITNESS. His name is W. P. Mitchell.

By Mr. WOODBURN :

Q. Where does he live ?—A. He lives on Carondelet street.

Q. What is the number ?—A. I think it is 492. I have it in my book at home.

By the CHAIRMAN :

Q. Did you vote the democratic or the republican ticket in 1872 ?—A. I voted the fusion ticket.

By Mr. WOODBURN :

Q. Did you not swear, on Monday, that you never had voted the republican ticket but once, and that was at a primary election ?—A. I said I never voted the republican ticket at a State election, but I voted it at a primary election.

Q. You have been a democrat ever since ?—A. I never was anything else.

Q. Were you a member of this organization in 1872 ?—A. Yes, sir.

Q. When did Mitchell vote the republican ticket last ?—A. He voted at the last election.

Q. What is his business ?—A. Clerk.

Q. Whereabouts ?—A. On the levee.

Q. For whom ?—A. I don't know who he is working for now ; I have not seen him for about two months.

Q. When did he last tell you he was a republican ?—A. He voted last in November, 1874.

Q. Did you see him vote ?—A. I did. I was stationed at the polls all day where he voted.

Q. Did he vote the entire republican ticket ?—A. I do not know that he put a republican ticket in the box.

Q. Did you see the names on the ticket ?—A. I did not look at it.

Q. Then how can you swear that he voted the republican ticket, when you did not see it ?—A. Because he simply took the republican ticket off the box and walked in.

Q. What box ?—A. Off the republican desk they had there. The republicans had one desk, and the democratic party had another, where they had tickets.

Q. Sober, as you are now, can you swear that that was a republican ticket ?—A. Yes, sir.

Q. And that the names on it were those of republicans ?—A. No, sir ; I cannot swear to that.

Q. Do you know, if he did vote the republican ticket, what consideration he got for it ?—A. I do not.

Q. Did you converse with him at that time in reference to his politics ?—A. I did not, because I was very busy.

Q. Have you ever conversed with him since ?—A. No, sir ; I have just made the remark to him that I was surprised at his voting that ticket ; and he said, "That is my ticket."

Q. Can you swear that he is a republican to-day ?—A. No, sir ; I cannot swear to that.

Q. Can you swear that he is not.—A. I could not.

Q. Why did you swear that he is a republican, when you now state that you cannot tell whether he is or not?—A. I did not swear that he was a republican.

Q. Yes, you did.—A. He says he is; I can swear to that.

Q. When did he tell you so?—A. When he first joined the organization.

Q. How long ago?—A. The latter part of 1872, or early part of 1873.

Q. And for the last three years he has been a member of that club, and one of the thirty-five members composing the club, who are banded together by an oath, and yet you cannot swear now what his politics are?—A. I do not know that politics are ever brought before that club, unless at the first starting of the campaign.

Q. Then at the start of the campaign it does become a political organization as well as social, does it not?—A. It does.

Q. Why have you sworn, three or four times before this committee, that that association has nothing whatever to do with politics?—A. It has nothing to do with either party.

Q. I have not asked you about either party. You have sworn here that it had no object of a political nature; and now you swear that, on the eve of a campaign, it becomes a political organization. Which statement am I to believe?—A. We commence our work on the opening of the campaign.

Q. That is, they commence to work politically. Which statement is true, that it is a political or a social organization?—A. We cannot call it political, because we take neither side.

Q. What is the name of the president of the organization?—A. I refuse to answer.

Q. You are the secretary of it?—A. I am.

Q. Then why do you object to telling the name of the president any more than the names of the members?

The CHAIRMAN. You are bound to answer the question.

Mr. WOODBURN. You ought not have any greater degree of respect for the president than you have for yourself, and you have sworn that you are secretary of the organization. Now, what is the name of the president?—A. His name is Mr. Charles R. Norton.

Q. Where does he live?—A. You want to find out the whole thing?

Q. Of course I want to find out.

The WITNESS. Mr. Chairman, I think I ought to be excused from answering these questions. I simply promised to bring these by-laws, but now you want to find out the whole working of the club. It is taking advantage of me altogether.

The CHAIRMAN. You can state to the best of your knowledge and belief. We want to know all about this club.

By Mr. WOODBURN:

Q. Where does the president live?—A. He lives on First street between Coliseum and Chestnut streets; I do not know the number.

By Mr. NEW:

Q. Why do you not tell all about this thing? Tell the whole thing. Make a clean breast of it, if you are not telling it all.

By Mr. WOODBURN:

Q. Have you not testified a few moments ago that every member of that organization, of which you are secretary, took a solemn oath not to divulge the name of a member?—A. Yes, sir.

Q. You have just sworn it?—A. I have.

Q. You have no respect for that oath, have you?—A. I have.

Q. If you have, why do you divulge the name of the president of the organization?—A. It has been worked and drove out of me, so I could not do anything. That is what you have been doing for two days.

By the CHAIRMAN:

Q. Were you not a candidate on the republican ticket as delegate to the convention in 1872?—A. No, sir; I was not.

By Mr. WOODBURN:

Q. What is Mr. Norton's business?—A. Now I have got to divulge more. Is this oath binding to give a man's business right down?

Mr. WOODBURN. If it is an improper question, the chairman will notify you.—A. It is not Mr. Norton the harbor-master.

Q. What Mr. Norton is it?—A. He is a clerk.

Q. In what store?—A. A store on Magazine street.

Q. What is the name of the store on Magazine street?—A. I do not think that I am compelled to answer that.

Q. You are compelled to answer.

The WITNESS. That is binding me very strong indeed. I just came to bring these by-laws in here.

The CHAIRMAN. You asked to correct your testimony, also.

The WITNESS. I have tried to correct it, so far as I could, to the best of my ability.

By Mr. WOODBURN:

Q. What is the name of the store?—A. I cannot tell you.

Q. Why do you decline to state the name of the store, when you have already given the name of the gentleman?—A. I do not like to tell Mr. Norton's place of business.

Q. Is it because there is no such man in that store?—A. No, sir; it is not.

Q. Then what is the reason?—A. The only trouble is, that you are bringing me right down to everything, and after awhile I will have to furnish a list of all the names. Last month he was porter for Wheelock Finley.

Q. Why have you sworn that he was a clerk?—A. I never said anything of the kind.

Q. Did you not just swear that he was a clerk?—A. No, sir; it was another gentleman I was speaking of.

Q. Then you now swear that you did not testify to that fact?

The WITNESS. That Norton was a clerk?

Mr. WOODBURN. Yes.

A. I said Mr. Mitchell was a clerk.

Q. You did not testify that Norton was a clerk?—A. No, sir; I said Mitchell.

Q. He is a porter in a store?—A. Yes, sir; he was in Wheelock Finley's last month.

Q. Have you seen him since that time?—A. No, sir. At the last meeting he was not there.

Q. When was the last meeting?—A. Last Thursday night. I did not see him that night—he was not there.

Q. What are his politics?—A. I believe he is a democrat.

Q. Don't you know it?—A. I believe he votes that ticket.

Q. Is he not one of the gentlemen who detail men to watch officials on the eve of election?—A. No, sir; that is generally done by the club.

Q. They pick out their men?—A. Yes, sir.

Q. What are the names of the other thirty-five members of the club?—A. I expected that. I will have to bring the balance of my books down here to answer that.

By Mr. NEW:

Q. I believe you say that you are a democrat, and always have been?—A. I have always voted the straight ticket.

Q. State whether, in 1874, you were not a member of a republican club, and whether you were not a candidate for president of that club, and whether a negro was not elected over you as president of the club?—A. No, sir; in 1874 I was a member of the White League.

By the CHAIRMAN:

Q. In the Tenth ward?—A. Yes, sir.

Q. Were you not a candidate in what is called the auxiliary club of the Tenth ward of this city for the presidency of that club in 1874?—A. The early part of 1874, yes, sir. I got a communication from Mr. Felix Herwig on the subject.

Q. Were you not a candidate in 1874 before the auxiliary republican club of the Tenth ward for the presidency of that club?—A. I was. Would you allow me to give a statement of the whole thing?

The CHAIRMAN. Certainly, you can state the whole matter.

A. You said a delegate to the convention. It is a different thing altogether. In 1874 Mr. Herwig told me if I would raise a club up in the fourth district I could get a fine position in the custom-house, and I would get money out of it. I went up there right in my own ward and tried to raise it and got defeated, and dropped the whole thing right there. I think that was the early part of the summer.

By Mr. NEW:

Q. You then were elected president of the club?—A. No, sir.

Q. Who was?—A. A colored man named Bridges, I believe.

By Mr. WOODBURN:

Q. What is the name of the vice-president of your social club?—A. We have none.

Q. Give the names of some of the members.—A. We have a man named William Roscoe.

Q. Where does he live?—A. You had better let me bring my books, because I cannot recollect all the names. I cannot recollect where he lives.

By Mr. CONGER:

Q. Mention any of them you know.—A. I will mention Roscoe and Walker.

Q. What is Roscoe's business?—A. He is cotton-clerk for a drayman.

Q. In whose employment is he?—A. I do not know in whose employment he is.

Q. Where does he live?—A. The fourth district. I do not know whether he lives in the Eleventh ward or Twelfth.

Q. On what street?—A. He did live up on Second street; I could not tell exactly without looking over the books.

Q. How long has he been a member?—A. Mr. Roscoe has been a member since 1874.

Q. You are the secretary, and yet you cannot tell where he lives?—A. He lives on Second street.

Q. Near what other street?—A. Near Rousseau street.

Q. On which side of the street?—A. On the upper side.

Q. Is it a private house?—A. No, sir; he lives with his mother.

Q. What are his politics?—A. I do not know what his politics are.

Q. Give us the names of some other members of the club.—A. Charles Walker belongs to it.

Q. Where does he live?—A. He lives up on Ninth street, near the market.

Q. Whereabouts on Ninth street?—A. It is near the market, on Ninth street. I do not know where it is myself.

Q. You know where the house is?—A. No, sir; I do not. I believe the number of the house is on my books.

Q. What does he do?—A. I do not know what he does; I do not inquire.

Q. How long has Mr. Walker belonged to the organization?—A. About eighteen months. I do not know what his business is. I never see him except when he comes there.

Q. Do you recollect any other names?—A. William Martin.

Q. Where does he live?—A. Near Second street and the market.

Q. Can you not fix the house, so that we can find this man?—A. If you would like to have it, I will bring my books so that you can see it.

Q. I would like to have the names now.—A. I cannot recollect all.

Q. In what particular place is Martin's residence? What does it join on the north, south, east, or west?—A. The lower end of Second street is right in the middle of a block. The house sets back in the yard.

Q. What is his business?—A. He is a butcher.

Q. Is his place of business there?—A. I do not know whether it is or not. I only judge it to be there, because it is right near the market.

Q. You have never been in the shop, have you?—A. No, sir; I never saw him only—

Q. Can you name any other men?—A. No, sir; I cannot recollect them all.

Q. Thirty-five men is a small number.—A. If you had wanted me to bring my books down, I would have brought them down.

Q. You cannot now swear to the names of other men?—A. Yes, sir; I could.

Q. Who is treasurer of your social club, and takes charge of the funds?—A. Mr. Roscoe, as I told you.

Q. Can you not give the name of somebody else who presides in the absence of the president?—A. The treasurer.

Q. Give me the name of some dry-goods clerk. You testified on Monday that a good many clerks of dry-goods stores belonged, and you said they were all young men.—A. I would like to bring my books down here to show you, but I cannot recollect.

Q. Can you not name one dry-goods clerk?—A. I cannot recollect to save my life.

Q. You swore on Monday, did you not, that a majority of the members of that social club were steamboat-men?

The WITNESS. Of our society?

Mr. WOODBURN. Yes.

A. Yes, sir.

Q. Name some of the steamboat-men.

The WITNESS. You want to find out one, do you?

Mr. WOODBURN. Yes, I want to know.

(The witness proceeded to write on a paper.)

Mr. WOODBURN. I do not ask you to do any writing.

The WITNESS. I want to make a list.

Mr. WOODBURN. I want you to give some of the names of men who belong to that organization.

By the CHAIRMAN:

Q. You stated that it was only a few days ago that all of them met at your house. Now, you ought to recollect some of them.—A. I said a part of them met at my house. Mr. Roscoe, M. Walker, Mr. Welch, and Mr. Norton were at my house. About twelve or fifteen were there last Thursday evening.

Mr. WOODBURN. You can put the names down on paper now if you think you can do it better. Just put down the names of the steamboat-men.

The WITNESS. [After writing a list of names.] This is about all I can recollect.

Mr. WOODBURN. Please add to your list the names of some dry-goods clerks, and the name of the sergeant-at-arms.

By the CHAIRMAN :

Q. Did you have a doorkeeper?—A. Yes, sir; the sergeant-at-arms always attended to the door.

(The witness then handed a memorandum to Mr. Woodburn containing the following names, separated by lines as here represented.

Thomas Armory.
Christopher Walls.
Saml. Whaley.
William McFadden.
Saml. Sullivan.
Chas. McLaughlan.
George Smith, jr.
George Metcalf.
Chas. Callahan.
William Gallagher.

By Mr. CONGER :

Q. Is the oath taken by the members of that social club in writing or print?—A. Yes, sir; it is pasted upon the wall.

Q. In the room where the committee can see it?

The WITNESS. Do you want to see it?

Mr. CONGER. Yes.

A. It is in a frame.

Q. Where is the room?—A. It is on Second street.

Q. What number?—A. I don't know what the number is exactly.

Q. Is it up stairs?—A. No, sir; it is generally in the parlor.

Q. The room where you meet?—A. We generally meet in his parlor.

Q. Is this oath pasted up in some man's parlor?—A. No, sir; it is in a frame.

Q. What did you mean when you said it was pasted up?—A. I meant it is hung up on the wall; it is all the same thing.

Q. Is hanging up in a frame the same as being pasted up on the wall?—A. No, sir.

Q. What did you mean by saying that it was pasted up on the wall?—A. I meant that it was hung up in a frame.

Q. In whose house?—A. The president's house.

Q. Mr. Norton's?—A. Yes, sir.

Q. Is that all the oath there is?—A. That is all there is.

By the CHAIRMAN :

Q. Where is Mr. Norton's house?—A. On Second street.

Q. What number?—A. I don't know the number.

Q. Between what streets?—A. Between Coliseum and Chestnut.

Q. Do you mean to swear that you know he lives right there?—A. That is where he tells me he lives; I do not know whether he lives there or not.

Q. Do you keep a copy of this oath in your house, hanging up?—A. No, sir; he takes it around with him from place to place.

Q. Have you any house of your own?—A. Yes, sir.

Q. The title in your name?—A. No, sir; in my wife's name.

Q. Who lives with you?—A. My wife.

Q. Who else?—A. Nobody; my father-in-law lives next door to me.

Q. Does your father-in-law know that you belong to this organization?—A. Yes, sir; he knows that I belong to some organization. He does not know what organization it is.

Q. Can you tell us something about the auxiliary republican club of which you were president?—A. No, sir; I do not know anything about it. I never was there after that evening.

Q. You were a candidate for the presidency?—A. But I never was there after that evening.

Q. You were disappointed, then, in not getting the presidency?—A. No, sir; I went there for an object, and I left.

Q. Did you know any of the members of that auxiliary club?—A. Yes, sir.

Q. Can you give some of the names?—A. I cannot give you the names of all.

Q. Name a few.—A. I can give the names of the men who were in the room. I do not know whether they had signed the book or not.

By Mr. WOODBURN :

Q. [Referring to the list of names of members of the social club which witness had made.] You have given the names of ten gentlemen here; how is it that your memory is so good now, when a few moments ago you could only recollect three men?—A. I was excited so that I could not recollect. Your talking would excite anybody.

Q. That is the reason you could not recollect any but three men. Tell me on what steamboat Mr. Thomas Armory works?—A. I don't know any of the boats.

Q. How do you know that the first three men you have named are steamboat-men?—
A. That is what they told me.

Q. Do you know where they live?—A. No, sir.

Q. Do you know where the dry-goods clerks live?—A. No, sir; I do not. They told me their names, and that they were clerks in dry-goods stores. That is all I know about them.

Q. What do George Metcalf, Charles Callahan, and William Gallagher, do?—A. George Metcalf is a drayman.

Q. Do you know the residence of any of these men?—A. I cannot recollect. They are in my book at home. They are all in the fourth district.

By Mr. CONGER:

Q. Does this society have any other name than the one you have given?—A. No, sir; none that I know of.

Q. Article three of the by-laws says: "A member, on joining this organization, must take the oath never to divulge the name of any member, or the society's name."—A. Yes, sir.

Q. What name is that you must not divulge?—A. The Young Men's Social Protective Association.

Q. What harm is there in speaking of the Young Men's Social Protective Association?—A. I cannot say that there is any harm in it at all, but that is the rules.

Q. If that is the name you are not to divulge, what is the use of such an oath?—A. That rule was made before I went into the meeting—a year before I joined.

Q. Article four says: "This organization is not for intimidation or violence, but to see that there is a fair election to the best of their knowledge, and to try their utmost to prevent frauds of any description." Do you say that it is not a political society?—

A. It is not a political society on one side. I cannot consider it as such.

Q. Do you say, on your oath, that the society, which has article four in its by-laws, is not a political society?

The WITNESS. Will you allow me to explain?

Mr. CONGER. I ask you if you say this again as you have said before?—A. I cannot consider it so, because it is not for either side. A political society is on one side or the other.

Q. It is connected with politics, is it not?—A. Yes, sir.

Q. It is connected with the elections?—A. Yes, sir.

Q. You have to put a restraint upon your passions, so as not to use intimidation, have you not?—A. Yes, sir.

Q. And you have said, in your by-laws, that you are not to use violence?—A. Yes, sir.

Q. What is there in a mere social gathering that would make it necessary to put a clause in the by-laws that you should not use violence?—A. We simply have to meet there fraternally, for social purposes, picnicing, &c.

Q. Are you afraid of violence at your picnics?—A. No, sir.

Q. Why do you want to restrain yourselves by by-laws, then?—A. When we meet it is for social purposes only. That is all.

Q. Article four, then, does not apply to your meetings as a social society?—A. No, sir.

Q. Do any of you feel in danger of intimidation or violence when you meet for social purposes?—A. No, sir; we did not feel in danger at all, no matter where we went.

Q. You did not feel in danger of engaging in intimidation or using violence?—A. No, sir.

Q. And you did not need to restrain yourselves in your social relations by an article in your by-laws?—A. No, sir.

Q. When was this to apply, then? When was it that you were to try and abstain from intimidation and violence?—A. All through the campaign.

Q. What campaign?—A. Any campaign.

Q. Political campaigns?—A. Yes, sir.

Q. The articles say that the members are to prevent frauds or rascalities from taking place at the polls of the election in the fourth district, and to guard against immigration from other wards?—A. Yes, sir.

Q. Is not that purely political?—A. That is to prevent frauds and rascalities.

Q. Is it not connected with politics?—A. Yes, sir; the whole thing.

Q. Is not this whole thing for political purposes?—A. Yes, sir; but not for one side.

Q. Is it not purely for political purposes, whatever side you wish to take?—A. You may construe it that way.

Q. Do you construe it that way? It is purely a political organization, but does not determine in its by-laws which side you are to take?—A. No, sir.

Q. Do I understand that you submit to your club which side of politics you take?—A. No, sir; at the State election we were on both sides.

Q. Under which party did you work?—A. I belong to the democratic party.

Q. Does your club?—A. Part of them do. I know one that belongs to the republican party.

Q. You have said that in 1873 he was a republican, but you do not know what he has been since.—A. In 1874 he voted the white ticket; I do not know what name was on it.

Q. The White League ticket, do you mean?—A. No, sir; the tickets were colored white and green. He voted the white ticket.

Q. Did he ever vote the White League ticket?—A. No, sir.

Q. How do you know?—A. The democratic ticket at the election was green, and the other was plain white. He voted the white ticket. What names he scratched off I do not know.

Q. Did you ever know him to vote the White League ticket?—A. No, sir; I never heard of a White League ticket before.

Q. What violence did you want to restrain your members from using?—A. Intimidation at the polls.

Q. Intimidation of whom?—A. To keep the men from voting—to keep them away from the polls.

Q. These articles bind the members not to use violence or intimidation. Were you afraid your members would use violence or intimidation?—A. I did not draw those things.

Q. You acted under those by-laws for a long time?—A. Yes, sir.

Q. Were your members afraid that they would use violence if they were not restrained by this law?—A. Yes, sir.

Q. Did they lean that way—to violence?—A. Some did, and some did not. They are generally very quiet.

Q. There are some violent ones?—A. There are some in all organizations.

Q. This article applies only to elections?—A. It applies to elections.

Q. The object is to see that there is a fair election?—A. Yes, sir.

Q. Why did you say a little while ago that this was a social club and had no political connection?—A. I did not say that it was for either party. It is simply a social protective association.

Q. You stated that it had no connection with politics of any kind. You have sworn so three times to-day.—A. I do not consider it so myself, because it has nothing to do with either side.

Q. What has nothing to do with either side?—A. That association.

Q. You have said that it determined which side they would take in a political campaign?—A. No, sir; I did not. You must have misunderstood me.

Q. Did they determine which party they would sustain?—A. No, sir; they did not. They are stationed at each poll.

Q. You have stated, in answer to my inquiries, what you know about the objects of this club.—A. So far as I know; yes, sir.

Q. And all you have heard when you have been there as secretary?—A. Yes, sir.

Q. And you swear to me that the club, as a body, does not work for any political result?—A. Not for one side.

Q. Does it work for any political result?—A. I have never seen them do it in my life.

Q. They do not work to accomplish any political purpose?—A. I have never seen them do it. Each member votes his own ticket, and they never ask one another what they do.

Q. You say they do not agree which party they will work for?—A. They never do.

By Mr. WOODBURN:

Q. How is the society supported?—A. We have to pay at first twenty-five cents apiece.

Q. Is it not one of the objects of the club to go to prominent members of a political party and levy black-mail on them?—A. No, sir; you cannot find a man in New Orleans that has been forced to pay one cent for black-mail.

By Mr. CONGER:

Q. [Referring to the book containing the by-laws which witness had produced in evidence.] Where is the rest of this book?—A. That is the original by-laws.

Q. You see that about four-fifths of this book has been taken away; where is the rest of it?—A. That is just the record we commenced on. We have new books now. General Gibson asked me for the original book, which I have brought.

Q. Is that all the record there is of your society?—A. That is the original of the by-laws.

By the CHAIRMAN:

Q. Why is it that these by-laws and constitution are dated May 26, 1874, when you say that the organization was begun in 1872?—A. Section 3 is in 1874.

Q. You said your society.—A. I said the society of the city was organized in 1872.

Q. But the society you belong to was organized in 1874?—A. Yes, sir.

By Mr. CONGER:

Q. You have brought this old book as the record of your society?—A. No, sir; that is the first book we ever used. I would have brought the new books down this morning, but General Gibson told me he wanted the original, which I have brought.

By Mr. VANCE:

Q. Has anything been removed from that book in regard to the records of this society?—A. Not one iota.

Q. Do your new books contain the matter that is in this book as well as the minutes from the time the organization commenced up to the present?—A. Yes, sir.

The following copy of the constitution and by-laws of the Young Men's Social Protective Association was ordered to be put in evidence:

NEW ORLEANS, *May* 26, 1874.

CONSTITUTION AND BY-LAWS OF THE YOUNG MEN'S SOCIAL PROTECTIVE ASSOCIATION

Section 1.

ARTICLE 1. This organization shall be known by the above name, and shall be composed of not more than thirty-five members, and each member shall not be over forty or under twenty-one years of age.

Section 2.

ARTICLE 2. The object of this association is to try and prevent frauds or rascality from taking place at the polls of election in the fourth district, and to guard against emigration from other wards.

Section 3.

ARTICLE 3. A member on joining this organization must take the oath never to divulge the name of any member or the society's name.

Section 4.

ARTICLE 4. This organization is not for intimidation or violence, but to see that there is a fair election to the best of their knowledge, and to try their utmost to prevent frauds of any description.

Section 5.

ARTICLE 5. Whenever a member is called upon for duty he must report promptly from where his notice comes from, unless sick or excused by the president.

Section 6.

ARTICLE 6. Each member will be notified by card, advertisement, or otherwise the time and place of meeting; failing to do so he will be subject to a fine of not more than 50 cents or less than 25 cents.

Section 7.

ARTICLE 7. The officers of the four different sections will meet once every three months for the purpose of looking over the proceedings of the different meetings.

Section 8.

ARTICLE 8. Any member wishing to become a member of this organization shall first send in his name by a member of good standing, and then voted upon; if elected without a dissenting voice it shall be sent through the balance of the sections; should he get a black ball in any one, he will be refused admittance.

Section 9.

ARTICLE 9. Each member will pay 25 cents per month dues and a fine of 10 cents if he misses a meeting. This is to go toward paying the general expenses of the club.

Section 10.

ARTICLE 10. There will be a meeting held twice every month, and each member will be notified when and where.

Section 11.

ARTICLE 11. Any person of good standing can join this organization, unless the limited number of thirty-five is on the roll.

Section 12.

ARTICLE 12. The officers of this organization shall be composed of president, secretary, treasurer, one sergeant-at-arms. Each one shall be elected every ten months. In case of sickness of any officer the presiding officer shall appoint a member temporarily to fill his place.

NEW ORLEANS *June 14, 1876.*

WILLIAM E. BLAKE sworn and examined.

By the CHAIRMAN :

Question. Where do you reside ?—Answer. At No. 144 Second street, New Orleans.

Q. You can make any statement that you desire.—A. In yesterday morning's Times my attention was called to the action of this committee and the evidence of Mr. Johnston. He stated that, to his personal knowledge, he saw me receive monthly salaries from the custom-house at \$100 or \$120 per month. I deny that I received anything. The only money I ever received from the custom-house was in February, 1876, when I was on the United States jury. I got my pay for services on that jury, and that is the only compensation I ever received from the custom-house.

Q. You never received any money improperly from the custom-house ?—A. No, sir.

Q. The testimony of Johnston upon that point, therefore, is false as published ?—A. Yes, sir.

NEW ORLEANS, *June 14, 1876.*

M. J. CONNERS sworn and examined.

The WITNESS. I have never received a dollar from any person in the custom-house for any purpose whatever since 1870. I was employed there then as night inspector, and I received a month's salary for January, 1870. I have never received a dollar since from any person in the building.

By the CHAIRMAN :

Q. You had earned that salary ?—A. Yes, sir.

By Mr CONGER :

Q. Was the statement of witness Johnston, to the effect that he knew you got \$100 a month, false as you understand it ?—A. Yes, sir.

By Mr. REILLY :

Q. Do you know whether your name has been attached to any vouchers in the custom-house ?—A. Not to my knowledge.

Q. You never signed your name to any ?—A. Never.

Q. And you don't know that your name was used to draw money upon ?—A. No, sir.

NEW ORLEANS, *June 14, 1876.*

JOHN D. CRAWFORD sworn and examined.

By Mr. REILLY :

Question. State what your business is at present.—Answer. I am entry-clerk in the New Orleans custom-house.

Q. What was your occupation in 1872 ?—A. The same.

Q. State whether you held any public position of any kind in 1872.—A. I did ; that of notary public.

Q. Do you still hold the same position?—A. I do.

Q. Will you state whether it has been required, or has been the practice of persons in the employ of the custom-house, whose vouchers it was necessary to have sworn to, to make oath before you?—A. Not before me especially.

Q. Was it done to a very great extent before you, or to any extent?—A. It was done to some extent.

Q. In 1872 were you in the habit of attesting any jurats on any of these vouchers for payment of custom-house employés?—A. I was.

Q. Where would you attach your seal—at your office, or in the custom-house?—A. At my office in the custom-house.

Q. Was there any other notary public in the custom-house at that time?—A. There were three or four at that time, I believe.

Q. Do you know a man by the name of Hugh Swan?—A. I don't; I may know him by sight, but not by name and sight both.

Q. Did you know a man named Benjamin Leggett in 1872?—A. I think the man died two or three years ago. I could not place the year.

Q. Do you know a man by the name of Matthew Cunningham?—A. No, sir.

Q. Do you know a man by the name of William Swan?—A. I do.

Q. Did you know him in 1872?—A. I have known Bill Swan since 1863 or 1864.

Q. Did you know George W. Ferguson in 1872?—A. Yes, sir.

Q. Did you know Henry Jurgens?—A. No; I may know him by sight, but not by name.

Q. Do you know George Woolrich?—A. No.

Q. Do you know Benjamin Mancini?—A. No.

Q. Do you know F. W. Nicoll?—A. No.

Q. Do you know Eugene Euber?—A. No.

Q. Do you know Henry Larsen?—A. No, sir.

Q. Do you know W. D. Phillips?—A. I know the name; that is all. I would not know the man if I should see him.

Q. Do you know that during the months of August or September, 1872, any of these parties I have named swore to vouchers for pay as employés in the custom-house?—A. I don't remember. I may or may not.

Q. Do you remember whether any of the parties I have named were employed in the custom-house at that time?—A. The names of some are familiar to me, and I believe that some of them were employed in the custom-house.

Q. In 1872?—A. I cannot say the year.

Q. Do you remember whether you attached your official seal and signature to any voucher for pay of these men in the months of August or September, 1872?—A. I do not.

Q. Have you ever attached your seal and official signature to the jurat to any such vouchers without swearing the parties?—A. In some instances, to oblige my fellow-clerks, I would take their signatures.

Q. And attest the jurat?—A. And attest the jurat; they asking me to do so without going through the formality of administering the oath, they sending me the voucher and asking me to attach my seal and signature to it.

Q. Can you say whether you did that in any case that I have mentioned?—A. I cannot say.

Q. Some of these parties whom I have named have signed vouchers to which your name and seal are attached, attesting the oath, and they swear before this committee that they never took the oath. Can you say that you did administer the oath?—A. I cannot; I cannot say anything further than my seal and signature show.

Q. That is why I have asked you if you ever attached your seal and signature to the jurat without administering the oath to the party, and you stated that you had, in some few instances, to accommodate your fellow-clerks.—A. Yes, sir.

Q. I would like you to tell us in about how many instances you may have done that.—A. It is really impossible for me to say. It is well known that at the end of each month all custom-house employés are anxious to obtain their money, and they pile their vouchers into my rooms in all imaginable ways; and where there are 30 or 40 or 50 men hanging around, it is impossible for me—

Q. Do you know whether you ever attached your seal and signature to a voucher for the payment of a party who was not in the employ of the custom-house?—A. I do not.

Q. Have you ever received any instruction from any of your superior officers, or have you received any intimations that you should attach your seal and signature to vouchers without swearing the parties or asking them to be sworn?—A. I have not.

Q. If you have done so in any instance you have done it of your own free will, and, as you say, simply to accommodate your fellow-clerks?—A. Yes, sir; and for the dispatch of business.

Q. Do you swear the parties whose names appear upon the voucher to which your seal is attached?—A. In the great majority of cases I do.

Q. In what proportion, two-thirds?—A. More than three-fourths I suppose. I will state that this is done more by the motion than by word.

Q. There are two hundred vouchers for pay as temporary laborers during the months of August, September, and October, 1872, to which your name and seal are attached as attesting the jurat; can you say whether you swore any of those parties?—A. I did.

Q. I distinguish now the temporary laborers from the regular permanent employes.—A. Any affidavit with my name and seal to it, certainly in the majority of cases, except in those I have just described, the people appeared and took the oath before me.

Q. There were some few instances in which you made an exception and did not administer the oath?—A. Yes, sir.

Q. Do you know whether any of your superior officers knew that in any instance you had attached your seal and signature to a voucher without swearing the party?—A. I don't know.

Q. Did you ever have any talk with them upon that subject?—A. No, sir.

Q. And there never was any intimation on the subject?—A. Never any intimation on the subject.

Q. Did you never receive, directly or indirectly, any intimation that it would be agreeable to them if you would do so?—A. No, sir.

Q. Or that they would find no fault if you would do so?—A. No, sir.

Q. Or that they would not object to it in any way?—A. No, sir.

Q. Did you receive any such intimation from any other person not connected with the custom-house?—A. No, sir.

Q. You cannot remember now particularly for those months of August or September, 1872, whether you swore any parties whose names I have read to you?—A. I cannot say.

Q. And will you say whether or not, even if your name appears to these vouchers, you did swear them?—A. I certainly would say that they swore to them before me.

Q. That would be the presumption arising from the fact that your seal and signature are attached; but would you swear to the fact positively that you did in every instance swear the parties whose names I have mentioned?—A. I would, unless I received proof to the contrary. I could not go back of my seal and signature.

Q. If they swore that they were not sworn by you, what would you say?—A. I would not believe them until they would prove it to me.

Q. Have you at any time received vouchers for your signature in greater numbers than one or two?—A. I have had upward of fifty, sixty, seventy, or eighty on my desk at one time, and men standing around waiting for them.

By Mr. WOODBURN:

Q. In those excepted cases that you refer to, where, in order to facilitate business, there was not a strict compliance with the law, were those persons at work in the custom-house?—A. I presume so, from the fact of their being in possession of the pay-rolls.

By Mr. NEW:

Q. Was it your habit when a clerk came to you and asked you to sign your name without administering the oath, so to do?—A. No, sir; it was not my habit. It is a thing that is more honored in the breach than in the observance.

Q. Do you remember to have ever refused a request of that kind to one of those clerks?—A. Yes, sir; I have, when I first took hold of the office of notary public.

Q. After that, did you as a general rule, when so requested, attach your name to the jurat?—A. Yes, sir.

By Mr. CONGER:

Q. You mean to sign your name to the jurat without their swearing?—A. For instance, one man would pass the pay-roll over the head of another and say, "Mr. Crawford, sign this, please;" and I would sign the roll, call the man's name out, and hand it back to him.

Q. He was present?—A. Yes, sir.

Q. But you didn't use the form of asking him if he would swear to it?—A. So far as I could reach by sight, I would hold my right hand up, with my pen up, previous to signing my name, and make the motion to him to bow his head in token of assent. It was not done with the same formality and the same words as used by the chairman of this committee in administering oaths to witnesses.

By Mr. STEVENSON:

Q. You received a nod from them in token of assent to the oath?—A. Yes, sir.

By Mr. REILLY:

Q. And some of them would not even be sworn in that way?—A. It was sufficient for me when I saw their names. A man would certainly swear when he had already signed his name to the oath.

By Mr. CONGER :

Q. The names were always signed to the oaths ?—A. Yes, sir.

Q. The only point that you make is, that you didn't formally administer the oath ?—

A. Yes, sir. If any voucher was handed to me without being signed I would hand it back and tell him where to sign.

By Mr. REILLY :

Q. Will you state whether or not you have, upon any occasion, ever received vouchers from parties whose names did not appear upon them ?—A. That I cannot say.

Q. Upon any occasion has any one individual brought to your desk a pile of vouchers without any of the parties whose names appeared upon them being present, and have you upon such occasion attested them with your official seal and signature ?—A. Very often the auditor would bring me three, or four, or five, or perhaps a dozen vouchers or pay-rolls.

Q. Have as many as fifty or seventy-five ever been brought to you upon any occasion ?—A. O, no.

Q. Never that many ?—A. No, sir.

Q. How many is the most that you ever had to sign at one time ?

The WITNESS. Do you mean for the month ?

Mr. REILLY. For the month or any particular time ; I mean in one particular batch.

A. I could not say ; there could not be more than from perhaps eight to twelve.

Q. You spoke a moment ago about having your desk full sometimes ?—A. That is from the men themselves.

By Mr. VANCE :

Q. Did you sign these vouchers the auditor brought you without seeing the men ?—

A. Yes, sir ; I took his word.

Q. You consequently didn't administer the oath to those men ?—A. No, sir ; not an oath.

Q. But the papers would appear as if the oath had been taken before you ?—A. Seeing his—

Q. Would it or would it not appear ?—A. The auditor telling me that those names—

Q. The question is, would those papers apparently show that these men had appeared before you and taken the oath ?—A. Certainly.

By Mr. CONGER :

Q. And in all those cases the oath was actually signed ?—A. In every case.

Q. Did you witness the signature of any of these men to the papers ?—A. Some I did and some I did not.

Q. And it made no difference whether you did or did not ?—A. No, sir.

By Mr. REILLY :

Q. Did George Norcross ever bring you a pile to be signed ?—A. No, sir ; I don't think that he was in the office.

Q. Did he at any time since he has been in the office ?—A. No, sir.

NEW ORLEANS, June 14, 1876.

THOMAS SMITH sworn and examined.

By Mr. CONGER :

Question. Are you a resident of New Orleans ?—Answer. Yes, sir.

Q. How long have you been a resident of this city ?—A. Fourteen or fifteen years.

Q. In what office have you been engaged ?—A. Importing wholesale groceries.

Q. Have you done a large business ?—A. Yes, sir ; quite large.

Q. During that time has your business required of you frequent communication with the custom-house and its officials ?—A. Yes, sir ; very frequently.

Q. State to this committee whether, from your knowledge of the mode of conducting business in the custom-house, it is properly managed, both for the Government and for the importers and merchants.—A. From my knowledge, the business of the custom-house has been managed with ability and with great civility to the patrons of the Government.

Q. I refer more particularly to the present administration of it under Colonel Casey.—A. Under him it has been considered to be well managed for the merchants ; my experience goes to show that. I have been universally well treated, and every facility has been afforded me for doing business pleasantly ; and no obstacle has been thrown in the way of merchants, so far as I know.

Q. Have the interests of the Government been carefully looked after, so far as you know ?—A. Yes, sir ; I have never heard anything to the contrary.

Q. You say that is the reputation of the custom-house officers among the merchants?—
A. Yes, sir; and I have never heard it asserted under Casey's administration that there was anything wrong for the Government.

By Mr. STEVENSON:

Q. You speak from your own personal knowledge of the business connected with it, do you?—A. I do.

NEW ORLEANS, *June 14, 1876.*

AUGUST HOFFMAN sworn and examined.

By Mr. CONGER:

Question. Where do you reside?—Answer. In New Orleans.

Q. For how long a time have you resided here?—A. I was born here.

Q. What has been your business of late years in this city?—A. I have been in the dry-goods and importing business.

Q. During the time of Colonel Casey's administration, have you been, more or less, familiar with the business of the custom-house?—A. Yes, sir; I attend to the business of our house. D. H. Holmes & Co. is our firm.

Q. Is it a large importing establishment?—A. Yes, sir; it is.

Q. And you have generally done that custom-house business?—A. Yes, sir.

Q. State to the committee whether, during this time, the management of the custom-house business by these officers has been proper, and has guarded both the interests of the Government and those of importers, and whether the custom-house officials have been courteous to the business men and the importers?—A. I must say that, in all my dealings with the custom-house, I have always found them doing justice to the importers.

Q. As far as you know, is that the impression generally among the business men?—
A. I believe it is. I have never heard anything to the contrary.

By Mr. REILLY:

Q. Do you have a private bonded warehouse for your goods?—A. No, sir; our goods are generally brought to the appraiser's office and examined and then passed.

Q. Have you had goods sent to the general order?—A. Very rarely; we generally make our entry and pay at once.

Q. Have you heard complaints of the general-order business among merchants?—A. No, sir.

By the CHAIRMAN:

Q. Have you ever known as good a man as Mr. Casey anywhere else in the world?—
A. I never had much to do with Mr. Casey himself; but I believe the custom-house business is regulated as well as I have ever seen it, and I have been doing business twenty-five years. I have always found things to go on very well.

By Mr. CONGER:

Q. Is it managed just as well as it used to be before the war?—A. Just as well. If anything, there are more facilities afforded to go from one desk to another in the transaction of the business. There seems to be more promptitude.

NEW ORLEANS, *June 14, 1876.*

E. J. HART sworn and examined.

By Mr. CONGER:

Question. Do you reside in New Orleans?—Answer. Yes, sir.

Q. How long have you resided here?—A. About thirty-nine years.

Q. What is your business in this city?—A. I am a wholesale grocer and druggist.

Q. Is your business connected with importations through the custom-house?—A. Considerably.

Q. Has it been for some years?—A. A great many years.

Q. Are your firm large dealers?—A. Yes, sir.

Q. Will you state to the committee whether you have had frequent occasion to observe the management of the custom-house business in this city?—A. I have.

Q. Personally?—A. No; not personally; my representatives generally do the custom-house business.

Q. Have you had means of knowing how your business has been conducted at the custom-house?—A. Yes, sir; it has been conducted very satisfactorily.

Q. Among business men, importers, and merchants, what is the reputation of the management of the custom-house business as to protecting the interests of the Government and affording facilities to business men?—A. Very good.

Q. Have you any knowledge as to its conduct during former administrations, both before and since the war? Were you in the same business?—A. Yes, sir.

Q. Is the management of it as good as it used to be in old times?—A. I should think so; before the war the importations were much more numerous, and the business could not be got through with as promptly as since.

Q. As far as the business was done, has it been done satisfactorily?—A. I think so; quite so.

Q. May I inquire what your political sentiments are?—A. Yes, sir.

Q. What?—A. I am a democrat.

Q. All through?—A. Always; no change.

Q. Then you are not influenced by any political partiality for Mr. Casey?—A. None whatever.

By Mr. STEVENSON:

Q. Do you think that Mr. Casey has managed it as efficiently as Mr. Kellogg did when he was collector?—A. I think so, yes; considerably more so. I have had no experience with either of them, however.

NEW ORLEANS, *June 14, 1876.*

ISIDORE LEVI sworn and examined.

By Mr. CONGER:

Question. Do you reside in New Orleans?—Answer. I do.

Q. How long have you lived here?—A. Twenty-six years.

Q. During that time have you been engaged in the importing business?—A. I have been engaged in importing crockery. We get all our crockery from Europe.

Q. You have occasion to be familiar personally with the management of the custom-house officers?—A. Very often; nearly every day.

Q. State to this committee how, in your judgment, the custom-house business under Mr. Casey's administration has been managed.—A. Very properly indeed.

Q. I ask both in reference to how you think the interests of the Government are protected, as well as the interests of the business men?—A. Both are well protected, I think.

Q. Is that the common opinion among the business men of this city that the custom-house management is good?—A. Very good indeed.

Q. May I ask your political preferences?—A. I have none.

By Mr. REILLY:

Q. Have you ever heard of any alleged fraudulent importations of goods through the custom-house?—A. Never.

Q. Have you heard of any fraudulent importations of cigars?—A. I don't deal in that article. I never heard of it.

Q. Have you heard any complaints in regard to the manner of doing business under the general-order system?—A. Never. We never had any trouble.

Q. You never had any goods sent to the warehouse against your objection?—A. Never. We generally put ours in whenever we wished to have them. Formerly they were in No. 4 or No. 6.

Q. You never had any obstacles thrown in the way of your preference by the custom-house officials?—A. Never. They always did as I wanted them to do.

By Mr. STEVENSON:

Q. You never heard any complaint of the management under Mr. Casey?—A. Never.

Q. You never heard anything about men being paid on custom-house rolls before election for political services?—A. Never.

Q. You never heard any charges of that sort?—A. Never.

Q. You never heard about a notary public who was in the custom-house attaching his seal to jurats when he had not sworn the men?—A. Never.

Q. You never heard about men being employed there and paid out of the custom-house funds whose duty it was to get up false registration-papers?—A. I never did.

Q. In reply to Judge Conger I believe you stated that you had no political convictions?—A. I have not.

Q. You stand evenly balanced between the two parties?—A. Between the two parties.

By Mr. CONGER:

Q. Have you ever heard of the prominent witness, C. W. Johnston?—A. I don't know Mr. Johnston.

NEW ORLEANS, *June 14, 1876*

GEORGE L. L. MAYER sworn and examined.

By Mr. CONGER:

Question. Where do you reside?—Answer. In New Orleans.

Q. How long have you lived here?—A. I have been doing business here since 1849.

Q. What has been your business in this city?—A. First it was importing wine and cigars, but since the war we are tobacco merchants.

Q. What is the name of your firm?—A. Mayer Brothers.

Q. During the time you have been importers, have you been personally acquainted with that part of your business connected with custom-house matters?—A. Yes, sir; but not much; we have been forwarders mostly, since the war.

Q. Have you been acquainted with the management of the custom-house somewhat during Mr. Casey's administration?—A. We have had different importations.

Q. So far as your acquaintance has extended with the custom-house, how has it been managed under Mr. Casey and his subordinates?—A. I was very politely treated everywhere.

Q. As far as you know has your business been properly transacted there?—A. Yes, sir.

Q. And the interests of the Government properly protected?—A. I have no insight.

Q. What is the general opinion among business men with whom you associate as to its correct management under Casey's administration?—A. I never heard anything against it.

Q. You do not know C. W. Johnston, do you?—A. No, sir; I am not personally acquainted with either Mr. Casey or Mr. Herwig.

Q. You know how your business has been managed there, do you not?—A. Yes, sir

NEW ORLEANS, *June 14, 1876.*

THOMAS H. HANDY sworn and examined.

By Mr. CONGER:

Question. Do you live in this city?—Answer. Yes, sir.

Q. For how long a time have you lived here?—A. About twenty-nine years.

Q. In what business have you been engaged of late years?—A. Liquor business.

Q. Importing?—A. Yes, sir.

Q. Largely?—A. Not very largely.

Q. Have you, yourself, had occasion to transact business with the custom-house in your importations?—A. I have.

Q. Personally?—A. Yes, sir.

Q. Will you state how, in your opinion, the custom-house business has been transacted, both in relation to the Government and to the importers and business men?—A. In all transactions that I have had there, they were simply entries, withdrawals, &c. I have always been treated with courtesy.

Q. Has your business always been transacted as promptly as you desire?—A. My business transactions have been promptly attended to.

Q. Have you heard many business men, in conversation, speak about the management of the custom-house? And if so, state whether you have understood that it was properly managed?—A. I cannot say that I have heard anything. Hearsay evidence is no evidence in that.

Mr. REILLY. In this case it is.

A. I have heard a great many things. I could not repeat what I have heard. I heard a great many things, but I paid no attention to them.

By Mr. CONGER:

Q. I was asking whether, from importers and business men, you had received the impression that their business was properly managed?—A. I have never heard to the contrary from importers.

Q. You do not know C. W. Johnston, do you?—A. I know a party by that name, but I don't know that he is the party that was a witness here.

Q. What are your political preferences?—A. I belong to the democratic party.

Q. Are you sound?—A. I think so.

By Mr. NEW:

Q. I understand you to say that you do not know that you are acquainted with Johnston?—A. I do not.

Q. You do remember the fact of having heard complaints, without reference to what the specific complaints were, in regard to the management of the custom-house?—A. I have heard them, but have never had any cause of complaint myself.

Q. You do remember the fact that complaints were made?—A. Yes, sir.

By Mr. REILLY:

Q. Have you heard of large amounts of money being expended from the public treasury for political purposes by the officials of the custom-house?—A. I have heard of such things; I have no knowledge of them, however.

Q. Do you know Henry Larsen?—A. I do not.

Q. Did you ever hear of him being induced to sign a number of blank vouchers for the purpose of drawing money from the Treasury by custom-house officials?—A. No, sir.

Q. Do you know Matthew Cunningham?—A. I do not.

Q. Do you know F. W. Nicoll?—A. I do not.

Q. Do you know William Swan?—A. I know him.

Q. Do you know George W. Ferguson?—A. No, sir.

Q. Do you know William McLean?—A. No, sir.

Q. Do you know Benjamin Leggett?—A. Yes, sir.

Q. Do you know Hugh Swan?—A. No, sir.

Q. Do you know Thomas Ferman?—A. I know him when I see him.

Q. Did you ever hear of his receiving public moneys when he had rendered no service?—A. No, sir.

Q. Did you ever hear of any parties being paid for rendering political services?—A. No, sir.

By Mr. CONGER:

Q. Your acquaintance has been among the more respectable people of New Orleans?—A. My acquaintance is generally in New Orleans.

Q. And these things go down to a depth of society that you have never reached?—A. That may be.

By the CHAIRMAN:

Q. Do you know Mr Swan, who lives in the third district?—A. I know him.

Q. Is he not regarded as a man of good character?—A. So far as I have heard, he is.

Q. A respectable and honorable man?—A. Yes, sir.

NEW ORLEANS, *June 14, 1876.*

CHARLES T. DUGEZON sworn and examined.

By Mr. CONGER:

Q. How long have you lived in New Orleans?—A. Forty-five years.

Q. What has been your business?—A. I have been connected with the firm of Rochero & Co.

Q. Is that a large importing company in this city?—A. Yes, sir.

Q. What kind of importations?—A. Wines, brandies, sardines, &c.

Q. Has your business connection with that firm made you familiar with the management of the custom-house of late years?—A. I have sometimes to go to the custom-house, but generally the custom-house business is attended to by a broker.

Q. Are the returns of that business under your supervision, for your house?—A. Yes, sir; I have supervision of them.

Q. State what knowledge you have in regard to the management of your business at the custom-house; state whether it has been proper and correct under Colonel Casey's administration.—A. Well, I don't recollect to have any thing to complain of, nor to be thankful for. I found politeness from the subordinate officer with whom I had to deal—that is, the bond clerk.

Q. So far as you have observed, have the interests of the Government been properly cared for and watched?—A. I know of nothing to lead me to believe to the contrary.

Q. As far as you know, the interests of the importers and business men have been treated properly?—A. I can only speak for ourselves, and I can say that I never found anything to complain of.

NEW ORLEANS, *June 14, 1876.*

JOHN H. RARESHIDE sworn and examined.

By Mr. CONGER:

Question. Where do you reside?—Answer. In New Orleans.

Q. How long have you lived here?—A. Forty years; I was born here.

Q. Have you been in business here of late years?—A. Yes, sir; all my life.

Q. And are you now in business here?—A. Yes, sir.

Q. What is the name of the firm with which you are connected?—A. Rareshide & Maes.

Q. Is your firm connected with the importing business?—A. That is our business principally.

Q. What class of goods?—A. Wines, liquors, and malt liquors.

Q. Have you had occasion to have any personal acquaintance with the conduct of the custom-house business?—A. I have.

Q. For some time?—A. I guess as boy, clerk, and man for 25 years.

Q. From your knowledge of the mode of conducting business there of late years, under Colonel Casey's administration, will you state to this committee whether the custom-house business has been properly managed, the Government properly protected, and business men treated courteously.—A. I think, as far as importers are concerned, they have been treated as well as under any previous administration within my knowledge.

Q. But, as far as you know, how have the interests of the Government been guarded?—A. I think the Government has been protected, to the best of my knowledge.

Q. You may state, if you have any information upon that subject, what is the reputation among business men and importers about the management of the custom-house, whether it is good or bad?—A. I have never heard any complaint.

Q. What are your political preferences?—A. I am just about as big a democrat as you can find in this town.

Q. There is no hope of your changing to our side?—A. Not much.

By Mr. STEVENSON:

Q. You said you never had heard anything against the management of the custom-house; have you ever heard about there being men on the pay-rolls who performed no service?—A. I don't know anything about that personally.

NEW ORLEANS, June 14, 1876.

Some fifteen witnesses, from among the merchants and importers at New Orleans, having been examined by the committee in regard to the management of the New Orleans custom-house, and other witnesses having been offered to testify to the like import, the following written statements, signed by the importers heretofore examined and many others, is ordered by the committee to be entered upon the records as testimony, said statement to be received as if sworn to by the signers thereto.

We, the undersigned, importers, merchants, and ship-agents, having business with the New Orleans custom-house, most cheerfully state that during the last seven years every facility consistent with law and regulations has been afforded us in our business relations with the officers of the customs, from the highest to the lowest. Every courtesy has been extended to us and attention given for the prompt transaction of business; that complaints, if made, have received a speedy hearing and remedies found, and, taken altogether, we have no hesitation in saying that, so far as we know, the customs affairs have been conducted justly and honestly in the interests of the Government and the business community.

J. H. Oglesby.
E. J. Hart & Co.
McStea & Value.
Louis Grunewald.
Smith Bros. & Co.
Wallace & Co.
Peet, Yale & Bowling.
G. R. Finlay & Co.
August Koenig & Bro.
J. Lewis & Jamison.
Mullan & Holloway.
Folger & Co.
S. W. Moody.
J. Doussan.
P. Boissonnean.
Marks Bros. & Co.
D. L. Ranlett & Co.
Frederickson & Harte.
G. W. Dunbar & Sons.
J. L. Lyons.
A. F. Cochran & Cazares.
C. T. Buddicke & Son.
B. Piffet.

Navra & Offner.
Guible & Wippert.
D. H. Holmes.
John Turpin.
F. A. Gonzales.
A. Gonzales.
F. A. Haber.
A. Carrouche.
C. & G. W. Weingart.
Hebert & Co.
Leon Pierre & Co.
Brice Sembre.
S. Hemsheim & Bro.
Mayer Bros.
Bornio & Brother.
P. L. Cusachs.
F. Charpoux & Co.
E. Levy & Co.
Viple & Peret.
P. E. Brulatour.
Paul Gelpi & Bro.
Chaffraix & Agar.
J. B. Solari & Sons.

John Frank & Co.
 Rarehide & Maes.
 Jackson & Manson.
 A. A. Maginnis & Sons.
 Thos. H. Handy & Co.
 A. Baldwin & Co.
 A. Peiser & Co.
 Herman Isaac.
 E. Delisle & Co.
 A. Dagoret.
 E. Molinie.
 Katz & Barnett.
 H. Clostermann & Bayle.
 Hoffman, Marks & Co.
 A. Doussan.
 M. Schooler.
 Koch & Dreyfus.
 Phillip Leber.

Fernandez & Villa.
 E. Troisgros.
 U. Bassetti.
 Martin Druhan.
 U. Marinoni.
 A. Carriere & Sons.
 Lafitte & Dufilho.
 A. Rochereau & Co.
 Amidee Conturie.
 C. Cavaroc & Son, (agents.)
 E. Dubois.
 Edward A. Yorke, agent Philadelphia S. S.
 S. Line.
 John A. Stevenson, agent Mississippi Valley
 Transportation Company.
 Woodward & Wight.
 Pim Forwood & Co., pro J. C. Ryley.

NEW ORLEANS, LA., May, 1876.

We, the undersigned importers and ship-agents, doing business with the New Orleans custom-house, respectfully state that every facility consistent with law and regulations has been afforded us in transacting the same by the officials in charge.

CHAS. A. WHITNEY & CO.,
Agents Morgan Line.

DECAN ZEREGA & CO.,
Agents Steamship Line.

NORTON & BELL,
Ship Brokers.

WILLIAM CREEVY,
Steamship Agent.

AVENDANO HERMANOS.

M. W. EVANS,
Agent Opposition Tow-Boat Line.

LOVELL & BAILEY,
Ship Brokers.

C. J. SHEPHERD & CO.

HALL & VAUGHAN,
Ship Brokers.

MEEKER, KNOX & CO.

ALF. MOULTON,
Agent Cromwell Steamship Line.

DE WOLF, POWELL & CO.,
Ship Agents.

RARESHIDE & IVES,
Ship Brokers.

J. M. WITHERSPOON,
Agent Alexander Line.

JOSEPH KELLEY,
 169 Gravier street.

I. K. ROBERTS,
President N. O., Fla., and Hav. Steamship Co.

SHULTZ & CO.,
Ship Brokers.

ED. F. STOCKMEYER & CO.,
Agents North German Lloyd.

A. K. MILLER & CO.,
Agents State Line.

J. A. BRYSON & CO.,
As Ship Agents only.

C. M. SORIA,
Agent Manderville, Covington, and Pensacola Steamers.

NEW ORLEANS, *June 14, 1876.*

JAMES K. BAILEY sworn and examined.

By Mr. REILLY:

Question. You are a resident of this city?—Answer. Yes, sir.

Q. Will you state whether upon any occasion you leased a portion of your premises, known as the Vinegar Factory, or Cooper Shop, that has been spoken of in this testimony?—A. About the beginning of 1873, I think in February, I was doing business for myself, and I leased a cooper-shop, which was formerly connected with the factory, to a negro drayman by the name of Williams. He said he wished to stow boxes in it. He rented it for a person by the name of Castendeik, or Karstendeik, I don't know which exactly. The name was written on our books Karstendeik; but I never saw him. I conducted the business with Williams, and he always paid the rent, which was \$6 a month.

Q. How long did this lease continue?—A. For about ten months the rent was paid.

Q. The rent was always paid by Williams?—A. Yes, sir.

Q. Did you know the parties for whom he said he rented it?—A. I did not.

Q. Did you get receipts for the rent?—A. Yes, sir.

Q. In whose name?—A. The name of Mr. Karstendeik.

Q. Did you ever have occasion to hunt up Mr. Karstendeik and see him?—A. Yes, sir; I endeavored to find him, but could not find him.

Q. Did you ever find anybody by that name, or a similar name, in this city?—A. No, sir.

Q. What was this place used for?

The WITNESS. Do you mean to say what it was really used for?

Q. What do you know upon the subject; you live close by it.—A. No, I don't live there; I was on the premises frequently, though.

Q. If you have any knowledge, state what you know.—A. Williams told me that he rented for Karstendeik.

Q. What did Williams say he wanted it for?—A. He said he wanted it to store empty boxes in.

Q. What was Williams's business at that time?—A. He was a drayman.

Q. In the employ of any particular person or house?—A. Not that I know of.

Q. He was just a general drayman around the city, doing jobs wherever he could get them?—A. Yes, sir.

Q. Tell us what you know about the seizure of the cigars that were found in there, and what connection you had with it.—A. I found out that things were being stolen from my place, and I found it necessary to watch; and so I staid up several nights watching, and I discovered that the warehouse which had been rented by Williams was being entered from my premises; that a door which I had nailed up was opened, and that an entrance was effected into that building. I suspected that the things that were stolen from me were being secreted there, and I tried to make an examination. I had no key, or way of making an entrance, and so I got under the building, and there I found pieces of cigar-boxes and various evidences of cigars having been, as I supposed, put there; and as there was but that one entrance, which was from my place, I concluded I would be involved in the consequences, and so I endeavored to find out who was guilty. I went to try to find Karstendeik, in order to have it stopped, but I could not find him; so I went and informed at the custom-house. I went to see Mr. Kinsella about the matter, and stated to him that cigars were secreted there, and that I didn't wish to be involved in it; that I could not find the owner; that I found nobody but these negroes, who, I had positive proof, were robbing me; that I was completely at their mercy; that I was being robbed by a gang, and I didn't know what they were, whether they were smugglers or what; but there were so many of them that I could not manage the affair; so the only recourse I had, since I could not get at the real parties, was to come to the custom-house and make a complaint, which I did on a Saturday.

Q. Was the matter attended to or did you have to make complaint again?—A. The matter was not properly attended to, in my opinion, because I had to stay there and watch all that night and Sunday night. They seemed to doubt my story and took no notice of it.

Q. What followed next?—A. On Monday officers were sent up there and I was still around there. On Sunday night I got my brother to help me watch, as I was tired; but I staid around on Monday because, as I had made the report, I determined that nothing should be removed from that building; that I would find out what was in it, and I would see what there was in there. I waited, and on Monday officers were sent there and they seized the articles that were found.

Q. What were the articles?—A. They were cases of cigars. I didn't examine minutely. I followed around in the building to see if there was anything stolen from me and secreted there, and I didn't pay much attention to the cigars then. There were several large cases, though.

Q. About how many, to the best of your judgment?—A. Ten or twelve; a good many; I didn't count them at the time at all, but I accompanied the officer when they made the seizure and removed the cases.

Q. Did you notice any marks on any of those cases?—A. No, sir; I didn't.

Q. Did you notice whether any of them had any stamps on?—A. I noticed that the cigar-boxes didn't have stamps on.

Q. Had the large cases any marks of any kind?—A. No, sir; they seemed to be dry-goods boxes.

Q. After you had made this examination and found the cigars in there, did you look for the owner again?—A. No, sir.

Q. Did you ever see any man in this city by the name of Karstendeik, or a similar name? Is there anybody in this city that you know by that name?—A. Yes, sir; I was personally acquainted with a Mr. Karstendeik who kept a liquor-store.

Q. Did you go to see him?—A. Not subsequently. I met him previous to the search. At least I endeavored to find out who the real owner was.

Q. Did you call on Mr. Karstendeik, who was in the liquor-business?—A. Yes, sir.

Q. What did he say about it?—A. He denied all knowledge of it. He said he was not the owner, and I supposed from his conversation that he was an honest man.

Q. Did you tell Mr. Kinsella on Saturday, when you went there, that you believed that cigars were being smuggled through there?—A. Yes, sir.

Q. And detailed to him the evidence that you had discovered?—A. Yes, sir.

Q. And asked him to make an investigation?—A. Yes, sir.

Q. No action was taken until Monday?—A. Well, yes; he sent his son out with me, and I took his son there and showed him the evidences.

Q. But nothing was done until Monday, when you returned and saw Mr. Kinsella?—A. I returned on Monday. His office was closed, and I could not find him.

Q. Did you see anybody else at the custom-house?—A. No, sir; his office was closed, and I could not get in.

Q. What month was that in?—A. I think that was in November.

Q. About ten months, you say, after the place had been first leased?—A. I rented the place the 1st of February.

Q. Were you on the premises when the officers came there to make the seizure?—A. Yes, sir.

Q. Who were the officers who made the seizure?—A. Dan. Hutchinson was the officer who brought the search-warrant.

Q. Who was in company with him, if any one?—A. There were three or four officers' whom I supposed to be examiners. One was a tall colored man.

Q. Was there any person on the premises before they came that morning except yourself?—A. Not any on the premises.

Q. About the premises?—A. Yes, sir; there was some one about the premises.

Q. Did you have any talk with that person?—A. Yes, sir; I did.

Q. Tell us what was said between you and that person that morning when the officers came to make that seizure.—A. This party seemed to be interested in the cigars and begged me to let him take the things away. He didn't say "cigars;" he said "things." I told him it was folly for him to ask such a thing as that of me; that the building had never been under my control; that I had nothing to do with the matter; that he could remove the goods at any time he chose; that the building was his; that I had no power to stop him at all; and then, as he seemed to be so interested, I taxed him with his double dealing. I said I was badly treated; that I was being involved in such a way that I had no power to get myself out; and in the mean time the officers came up, and he says, "Who are these men?" I said, "I will go and see;" and I turned on my heel and left him.

Q. Had you ever seen that man about those premises before during the ten months they were rented?—A. No, sir; I had never seen him until that day.

Q. Did you know him that morning?—A. No, sir.

Q. Was he an entire stranger to you?—A. Yes, sir; at that time he was. I hadn't even seen him previous to that time.

Q. How did you and he come to have this conversation about removing the things? Did he approach you?—A. Yes, sir; he came forward to me.

Q. Why did he come to you and appear to be anxious to get his things away, and want you to give him permission?—A. I don't know.

Q. Did you tell him that you had been to the custom-house and given information in regard to the articles that were in there?—A. No, sir; I didn't tell him that.

Q. Had he received any intimation through you that you had done that in any way?—A. No, sir; he hadn't.

Q. Did you tell him on this morning that you had been to the custom-house on Saturday and that officers were coming there to make the seizure?—A. No, sir.

Q. Did he appear to know that when he was talking with you?—A. That is a very difficult question for me to answer, for men have their opinions about things.

Q. What reason did he give, if any, or why did you understand, that he was anxious

to have his things taken away that morning?—A. There was nothing in his conversation to indicate it. He seemed to be in a hurry; that is all that I can say.

Q. Can you explain to the committee or give them any reason why this entire stranger should come to you on Monday morning, just before the officers came there, and want to have permission to take his goods away?—A. I can only answer that by inference, and, of course, the committee would not attach as much weight to that as I would.

Q. What did he say when you told him that you had no control over the thing; that the key was in his possession and he could do as he pleased—why was not that a sufficient answer?—A. He asked me what I had lost, and offered to pay me for my losses. In the first place, it is difficult to make a claim of that kind, and, in the second place, I could not entertain anything of the kind.

Q. What answer did he make to your reply when you said that he could take the things away; that you had no control over the premises; that he was in possession of the premises and had the key—did he say nothing, or give no reason why it was necessary for him to come to you that morning any more than at any other time during the ten months that he had rented these premises?—A. No, sir; he only said, "Bailey, for God's sake, let me take my goods out of that."

Q. Did he appear to be informed that the officers were coming to make a seizure of his goods?—A. I can only infer it from that.

Q. From his manner or from anything that he said?—A. From nothing that he said.

Q. Had you ever seen that man before?—A. No, sir.

Q. Have you ever seen him since?—A. Yes, sir; I have.

Q. How long ago was the last time you saw him?—A. Within a few days.

Q. Where did you see him?—A. I saw him on Canal street.

Q. How many times have you seen him since that morning?—A. I have seen him twenty times.

Q. Have you ever talked with him about this thing since?—A. I never said anything to him until a week ago, when I met him, and told him that I didn't wish to be brought before this committee.

Q. What reply did he make to that?—A. He made an evasive answer, and said that he didn't fear anything, and didn't think he would be brought before the committee.

Q. What is his name?—A. I could not tell you. I didn't wish to know it. I took particular pains not to know it.

Q. Can you tell us what his business is?—A. No, sir.

Q. Nor where he lives?—A. No. I cannot tell you. I have seen him on Rampart street, and my impression is that he lives in that neighborhood; but I could not tell you positively. I have endeavored not to know. I have avoided knowing him.

Q. For what reason have you avoided making the acquaintance of this man?—A. Because it is disagreeable to involve yourself in these investigations.

Q. You are not involving yourself in anything; you are an intelligent, and, I suppose, a worthy, good citizen. If you have any information that will promote public justice, it is your duty to give it to this committee, and you ought not to be reluctant. It can bring no harm to you; and if you are in possession of any information, you ought not to conceal it, but be truthful and frank in giving it.—A. I have given pretty much all the knowledge I have of him. I have never had any business relations with him, either before or since.

Q. How did you come to see him a few days ago?—A. I met him accidentally.

Q. Do you know now, or did you know then, or have you learned since, what his business was at the time when the premises were rented?—A. Well, as I told you before, I could not say any more who that man is than I could say who you are now, although I would know you wherever I met you; I would know him if he should be in the room. I should say "That is the man;" yet I have avoided strictly asking any one "Who is that man?" You have better facilities of knowing about him than I have.

Q. Was he a young man or old?—A. He was rather over middle age—rather elderly.

Q. So far as you know, was he a man of means or not?—A. To judge from his appearance, I should judge him to be a man of means. He was well dressed.

Q. Was he ever in business in this city to your knowledge?—A. Of course I cannot say. I have seen him at a certain place, but I don't know whether he was in business there or not.

Q. Tell us where that was.—A. I met him on Gravier street.

Q. At what particular place on Gravier street?—A. Near the corner of Tchoupitoulas. I believe it was above Jackson & Manson's salt-house.

Q. Tell us at whose place of business it was.—A. It was at Masich's.

Q. Did he say to you upon that morning that these goods belonged to Masich?—A. No, sir.

Q. Did he say anything to the effect that the custom-house parties knew about those goods being there, and that they would not be disturbed except for the information you had given?—A. No, sir; he didn't.

Q. Nothing of that kind occurred?—A. No, sir; nothing of that kind occurred. I would remember anything of that kind, because it was impressed upon my mind very vividly.

Q. When was this that you saw this man at Masich's store or place of business?
—A. It was on Monday after I had informed the officers.

Q. The same day that the seizure was made, or the Monday after?—A. The seizure was made on Monday. It was the morning of the same day.

Q. Was it before or after the seizure?—A. Before the seizure.

Q. What is Masich's business?—A. I believe he is an importer of cigars.

Q. How did you come to see this man at Masich's store on that morning before the seizure?—A. I went to find out from a drayman, who was also employed with Williams, who the man was that rented that place, and he told me he lived up-stairs across the street. I went up across the street in order to see him in reference to it. I was pretty well sick and tired of the whole thing by that time, and I wanted to have an end of it. I thought if I could find out who it was, that I might put a stop to the business. As I said before, I went to the custom-house on Saturday before; I had given them up; I thought there was no help in that direction. I went up-stairs and went into Masich's office, and asked for Mr. Masich. I was told he was not in, and I went down-stairs and met this gentleman at the foot of the stairs. I didn't know who he was; I don't know now whether he was Mr. Masich or not, and I didn't know then. I passed him on the stairs; he was going up while I was going down.

Q. How did you happen to know that this gentleman whom you met and did not know was the man you wanted to see?—A. I did not know, or I would have addressed him at the time I was seeking for him.

Q. At that time you did not have any conversation with him about this thing?—A. No, sir; I didn't. I met him as I was going down. As soon as I found Mr. Karsten-deik was not the man, I thought Mr. Masich was the man, and I inquired for him, but could not see him, and I went down-stairs.

Q. Then you went out to these premises after waiting ten or fifteen minutes, and when you got there you found this same man there?—A. No, sir.

Q. Shortly afterward or some time afterward you did.—A. It must have been some time afterward. I am not sure that I didn't come to the custom-house immediately after that, because I had been there before; I was going backward and forward—in fact, I didn't know what to do.

Q. Who was the drayman, that was working with Williams, that you asked for information about the man that rented this place?—A. I knew him as John; I didn't know his last name.

Q. Is he living in this city yet?—A. I think he is.

Q. Is he working with Williams yet?—A. That I cannot tell you.

Q. Do you mean that he was working with Williams as a laborer or that he had a dray himself?—A. Williams had two drays; I understood he owned both drays.

Q. And John was driving one of those drays for Williams?—A. Yes, sir.

Q. What induced you to ask John for information of the party who rented these premises?—A. Because he was watching me all the time when I went out to watch the premises. He was one of a gang that was watching me.

Q. And you supposed from that that he would be able to give you some information about who had rented these premises?—A. Yes, sir.

Q. Had you spoken to him about the matter before that morning?—A. No, sir; I didn't speak before that; they were watching all the time, and were engaged in stealing.

Q. On this particular morning I understood you spoke to him, and asked him to tell you where the man lived who had rented these premises, and he pointed across the street?—A. Yes, sir.

Q. What induced you to speak to him that morning—nothing except the fact that he was watching you?—A. The connection. I knew he was with Williams, who had rented the place, and I wanted to find out who it was; I wanted to have the matter cleared up.

Q. Have you ever seen the man since that you saw that morning in Masich's store, and that you afterward saw at the vinegar-factory?—A. Yes, sir.

Q. The same man that you met on Canal street a couple of days ago?—A. Yes, sir.

Q. Do you not know that it is Mr. Masich?—A. I don't know positively, as I told you before; I have taken particular pains not to find out.

Q. Have you any belief on the subject?—A. I believe him to be Masich.

Q. You do not know it positively, simply because you did not want to be positive on that subject?—A. Yes, sir.

Q. Did any of these officials who were out there that morning have any conversation that you heard between them?—A. No, sir.

Q. Do you know of any of the officers saying to him that if he did not take his things away in a certain time they would be seized?—A. No, sir.

Q. Did you hear afterward that the officers advised anything of the kind to him?
—A. No, sir; I had no conversation with him either before or since, except at the time and a few days ago when I met him.

Q. I think you have told us all I care to inquire of you about if you will only tel

me, if you can, why it was that this man came to you upon this particular morning, and deemed it necessary to get your permission to get these goods away more than at any other time during the ten months that he had rented the place?—A. I suppose he saw I was the only obstacle to his taking them away.

Q. What induced him to believe you were the only obstacle? How did he know that you were an obstacle at that time more than at any other time that he had occupied the premises during ten long months?—A. It is impossible for me to say.

Q. You didn't tell him that you had given this information and that there was going to be a seizure?—A. No, sir.

Q. Could he have learned that in any way from you?—A. I think not.

Q. Did you tell anybody else except Mr. Kinsella about it, between Saturday and Monday morning?—A. Only the members of my family.

Q. Who composed your family?—A. My wife and my brother.

Q. So far as you know, was there any possible way that this man who was there on Monday morning, and whom you believed to be Masich, could have known that you had given information upon which a seizure was made on Monday, between Saturday and the time that you saw him there on Monday morning, except through the custom-house officials to whom you gave the information?—A. I don't know how it could be possible for him to find out. I said nothing at all in the office when I was up there, although I would have told him everything probably if I had seen him on Monday at his store.

Q. You would have told him the exact situation of affairs?—A. Yes, sir; but I suppose he would have been very indignant.

Q. You had no faith that the custom-house officials would make the seizure, and you wanted to get rid of this disagreeable business, which might involve you in the net?—A. That was my object.

Q. Have you ever learned since, or during those ten months had you any means of observing, as to the quantity of goods that were stored in this house?—A. No, sir.

Q. Did you ever see any goods put in there during the day-time?—A. No, sir.

Q. Were you about the premises pretty much during the time?—A. Yes, sir; I was there frequently. Unless with the connivance of my drayman, whom I had discharged, (as I found he was dishonest, and who slept, or was supposed to sleep, on the premises,) no goods could have been put in there. If he had been faithful to me, I could have avoided the whole difficulty.

Q. So far as you know, then, any goods stored there must have been put in at night?—A. Yes, sir.

Q. So far as you know, these ten or twelve cases that were seized on Monday morning were never put there under your observation?—A. No, sir.

Q. You don't know how long they had been there?—A. No, sir.

Q. Nor how many others had been put in or taken out during this time?—A. No, sir; I didn't pay any attention to it. I supposed that the warehouse was rented for the purpose of storing empty boxes in, and I paid no attention to the matter. My suspicions were not even excited. When I began watching I found out that there was an entrance being made through my premises, and I found that the door was opened. The door I know had been nailed up. I didn't nail it up myself, but I ordered it to be done, and had an entrance made on the other street. We had the fence all repaired, and there was no reason for going through my premises. Had there been any illegal proceedings that were not carried on through my premises I would not have considered it my duty to interfere in the matter at all.

Q. On the morning before this seizure was made, when you went to Masich's store, did you believe in your own mind that Masich was the owner of whatever goods were there?—A. No, sir; until I inquired of John, the drayman, I hadn't the least suspicion; I went, as I said before, to see.

Q. Did you know that these men, John and William, were accustomed to haul goods for Masich?—A. No, sir; I didn't even know that.

Q. During the ten or fifteen minutes that you were there did you talk to any one about this subject in Masich's office?—A. No, sir; I inquired for Mr. Masich, as I saw his name over the door, and the clerk that was there said, "He is not in; he will be here shortly." I waited ten or fifteen minutes there in his office.

Q. During that time you had a conversation on this subject with no one else?—A. No, sir; I didn't know whom to trust. That is the truth of the matter.

Q. What time in the day of Saturday did you see Mr. Masich and make this complaint?—A. It seems to me about 11 or 12 o'clock.

Q. It was during the business hours of the day?—A. Yes, sir.

Q. What time on Monday morning was it that you were at this store of Masich's?—A. I should think between 11 and 12 o'clock.

Q. And about what time was it that you saw this man whom you believed to be Mr. Masich out near the premises?—A. It was between 1 and 2 o'clock, as near as I can tell.

Q. About what time in the day was it that the officers came there?—A. It must have been near 2 o'clock.

Q. A portion of these goods were seized and sold?—A. Yes, sir.

Q. You received a portion of the proceeds as informer's fee?—A. Yes, sir.

Q. Did you ever hear from Masich, or from any custom-house officers or persons who were in any way connected with this affair, as to what disposition was to be made of any other portion of the money?—A. No, sir.

By Mr. WOODBURN:

Q. When you effected an entrance into this cooper-shop and found some pieces of cigar-boxes, did you make an examination of the contents of the boxes to ascertain what was contained in them?—A. There were pieces of cigar-boxes, broken.

Q. That was all that you saw?—A. Yes, sir; I could not get into the building at first.

Q. And from seeing the pieces of cigar-boxes, you became convinced that there were cigars stored on the premises?—A. Yes, sir.

Q. What did you say to Mr. Kinsella when you went to the custom-house to give information?—A. I detailed pretty much the same statement I have here.

Q. Did you tell him anything more than that you got under the building and found some pieces of cigar-boxes, which led you to believe that there were some cigars deposited there? Was that all the information you conveyed?—A. No, sir. I told him the manner in which an entrance had been effected through my premises; that it was an illegal entrance; that they had no right to go through my premises; that the whole thing was confirmed in my mind. I took the cigar-boxes, examined them, and concluded that they were imported cigars, because they had no stamps, and because they had Havana labels.

Q. Did you ascertain all that before you went to Mr. Kinsella?—A. Yes, sir; I took some of those pieces out and carried them across from the vinegar-factory and examined them.

Q. Were they broken pieces?—A. Yes, sir; fragments of the boxes.

Q. Did you see anything besides these fragments of boxes to make you believe that there were any boxes of cigars stored there?—A. I saw only cases by looking through the side of the building.

Q. You saw large cases resembling dry-goods boxes, and you supposed they contained cigars?—A. Yes, sir.

Q. Was not that the information that you conveyed to Mr. Kinsella?—A. I said that I would take an officer with me.

Q. Was not that in substance about all you said to him?—A. Yes, sir; I made pretty much the same statement to him that I have made to the committee. I felt perfectly convinced in my own mind—

Q. Was Mr. Kinsella satisfied with the information that you gave him that there was a deposit of cigars in that cooper-shop? Did he not express himself to the effect that he did not consider your information sufficient to make the seizure?—A. Yes, sir; he did; and I then told him to send an officer with me, and I would show him.

Q. What did Mr. Kinsella say to you after you conveyed this information to him and he expressed himself as not satisfied with it?—A. He said that very often when they made seizures there was nothing found.

Q. Was that all he said? Let me refresh your memory. Did he not ask you to make an affidavit?—A. Yes, sir; he did.

Q. Why did you not state that to Mr. Reilly?—A. He didn't ask me the question.

Q. You were asked to state all you knew about it.—A. I could talk here half an hour about this matter.

Q. You were aware of the law that the informer was entitled to so much money in case of the seizure of a large number of cigars?—A. I was not aware of it previous to that.

Q. Did you make the affidavit when Mr. Kinsella asked you to do so?—A. No, sir; I refused positively to do it. I told him that it was not my province to do it; that it was his business.

Q. You went to the custom-house to give information in reference to these cigars for the purpose of promoting the ends of justice, did you not?—A. To be honest and candid with you, I did not. I did it because I felt that I was involved in the illegal acts that were perpetrated.

Q. How could you be involved? You had nothing to do with the premises; you had rented them and you had not the key.—A. I supposed that I hadn't control, but I found that I had.

Q. You had rented them?—A. Yes, sir.

Q. The tenant had never given you possession?—A. No, sir.

Q. You had no key?—A. No, sir.

Q. You could not effect an entrance without getting under the building?—A. No, sir.

Q. You are an intelligent man, as Mr. Reilly says; why did you suppose that you had

control over the premises, and that you would be involved in any way?—A. Because I had marked the hinge of the door which had been previously closed, and I found that that door had been opened; that the seals had been broken that I put on the doors, and I considered that that was a breaking of faith anyhow; even if I hadn't been concerned in the actual illegal transactions, I considered that was a breach of faith.

Q. You refused to make affidavit?—A. Yes, sir; I told Mr. Kinsella positively that I would not do it.

Q. Did not that have the effect of making him believe that there was not much in your declaration when you refused to make the affidavit; that it would not justify him in sending an officer up there to examine the premises?—A. I cannot tell anything about the effect produced upon him; that is impossible; you should ask Mr. Kinsella about that; but I thought that I placed sufficient evidence before him to warrant an affidavit, and so told him.

Q. But you would not state that under oath.—A. I didn't consider it my duty; I didn't wish to be involved.

Q. He was a public officer, and you supposed it was his duty to make the affidavit?—A. I must confess that I thought it was his duty to make the affidavit under those circumstances.

Q. Did his son go back with you?—A. Yes, sir.

Q. If this man was neglectful, why did he send his son back with you? You say he didn't do his duty, because the goods were not seized until Monday. What was the idea of sending his son along with you if he wanted to screen anybody that owned those cigars from the payment of duties thereon? Explain that to this committee.—A. I acknowledge that the circumstances were very singular. I didn't know at that time, and I don't know now, that it was Mr. Kinsella who did it; but I felt that certainly some information had reached those parties, and I determined that when the search was made there should be—

Q. Did it strike you that there was any purpose of dishonesty on the part of Mr. Kinsella, or that he was in collusion with anybody else, when he sent his son with you to examine the premises after you had refused to make the affidavit which you ought to have done?—A. I was very urgent that he should send some one with me.

Q. Why do you not answer my question? Did it strike you that there was any purpose of dishonesty on Mr. Kinsella's part, or that he was in collusion with any other person, when he sent his son with you to make an examination after you had refused to make affidavit?—A. No, sir; it didn't at that time.

Q. Why should it ever occur to your mind since?—A. Because he didn't detail an officer.

Q. He sent his son.—A. But I mean to watch the premises that night. He informed me that when the searches were made there were generally no goods found. I thought that there would certainly be no goods found if the place was not watched.

Q. Did his son go with you?—A. Yes, sir.

Q. What did he do in company with you?—A. He went under the house in my company.

Q. Did you make a thorough examination?—A. It was as thorough as was possible to make without actually breaking open the building.

Q. Did not his son tell you that those premises could not be broken open and those cigars seized without a warrant procured based upon an affidavit?—A. I think Mr. Kinsella informed me that before I left the custom-house.

Q. Then the reason why the goods were not seized was attributable to yourself in refusing to make an affidavit. Is not that the fact?—A. I refused—

Q. Answer that question yes or no. Is not that the reason why?—A. Mr. Kinsella is the proper person to answer that question, not me. My opinion is that Mr. Kinsella was a competent officer. I insisted upon Mr. Kinsella making the affidavit. I told him that he was the proper officer to do so; that I had laid sufficient evidence before him. Of course I cannot tell whether he thought it was sufficient; I am not judge for him.

Q. Mr. Kinsella did not think it was very strong evidence?—A. I, of course, thought it was strong evidence. Whether he thought so or not it is impossible for me to say.

Q. When did Mr. Kinsella's son leave the cooper-shop after making the examination in company with yourself?—A. It must have been about 12 or 1 o'clock on Saturday. I went, it seems to me, before noon to see Mr. Kinsella; but these proceedings, as it was some distance from Mr. Kinsella's to his place, probably consumed an hour.

Q. Did Mr. Kinsella give to you what he believed to be the result of the examination of the premises? Did he tell you what he supposed was in the building?—A. No, sir; he did not.

Q. Did you not ask him?—A. I don't think I did.

Q. After you had both examined the premises together, did you not talk about the result of your discovery with young Mr. Kinsella?—A. I asked him what he thought of this. He said they looked like Havana-cigar boxes. I showed him that the premises had been occupied recently.

Q. Did he tell you what he intended to do?—A. No, sir; he did not.

Q. Did either one of you speak about the supposed amount of cigars in the boxes?—A. I hadn't the least idea.

Q. Nor did he have?—A. No, sir; I don't suppose he had.

Q. He could not have, from the opportunities afforded for examination.—A. No, sir.

Q. Were either of you certain that there were any cigars there, from your examination?—A. I felt morally sure of it.

Q. Did you feel so certain that you could go and append your name to an affidavit and make oath from that examination that there were cigars there?—A. Yes, sir; I would have been perfectly willing to make the affidavit, except—

Q. You would have sworn positively that there were cigars there?—A. Yes, sir; I certainly would.

Q. Why did you not make the affidavit, you being positive?—A. I felt that it was a disagreeable thing, and that it was Mr. Kinsella's duty to do so, and that I would throw the onus on him.

Q. You declined for the reason that you deemed it a disagreeable duty for yourself?—A. Yes, sir; I felt that I had laid sufficient evidence before him, and that I would force him to make an affidavit, for I considered it his duty, as a public officer, to make it.

Q. You testified a little while ago, did you not, that the reason why you declined to make affidavit was that you didn't want to be involved in the matter yourself for the reason that those were your premises?—A. O, no; I felt that I had done my duty; that I had cleared my skirts entirely.

Q. Did you not just swear that because certain things had occurred at this cooper-shop and at your house the night before, and on several occasions, the reason why you refused to make the affidavit as to these cigars being in that shop was owing to the fact that you didn't want yourself to be involved; that you did not want suspicion to be attached to you because those cigars were on your premises? Did you not swear to that before this committee?—A. I didn't exactly; you confuse me a little.

Q. Did you not tell me a little while ago that one of the reasons why you didn't want to make the affidavit was that you didn't want to be involved in the matter yourself?—A. Yes; I felt that I had laid sufficient evidence before Mr. Kinsella for him to make affidavit.

Q. Why do you now swear that the reason you refused to make affidavit was that you wanted to throw the burden upon Mr. Kinsella? Why do you now change your own testimony?—A. I don't see how I change the evidence.

Q. What time on Monday was the seizure effected?—A. I should judge about 2 o'clock; I didn't know the time.

Q. Who made the seizure?—A. Dan. Hutchinson and four or five officers of the custom-house.

Q. How long before that time did you see the man at the cooper-shop that you suspected, from his appearance, was the owner of the cigars?—A. I suppose it was fifteen or twenty minutes.

Q. How long did he remain at the cooper-shop in conversation with you before the seizure was made?—A. It is a long story about that. The gentleman says that I must tell the truth, the whole truth, and nothing but the truth. There were several very curious incidents connected with it.

Q. I want to know how long you talked with this gentleman, that you suspected was the owner of the cigars, before the seizure.

The CHAIRMAN. State all the facts.

The WITNESS. It is very hard indeed for me to do so.

Mr. WOODBURN. I want to know from you what length of time you consumed in conversing with the man at the cooper-shop, that you suspected was the owner of the cigars, before the seizure.

The WITNESS. It is very difficult for me to answer such questions directly. How can I say whether it was five or six or seven or eight or nine minutes?

The CHAIRMAN. Say to the best of your knowledge and belief.

A. Ten or fifteen minutes perhaps.

By Mr. WOODBURN:

Q. Then you must have been talking with him up almost to the making of the seizure?—A. Yes, sir.

Q. How long before the officer seized the goods did this man disappear? Was it when the officers came in sight or before?—A. It was when the officers approached the gate of the factory.

Q. Then he left?—A. Yes, sir.

Q. Where did he go?—A. That I don't know. I turned my back on him and proceeded over to meet the officers.

Q. You saw him go away?—A. No, sir; but I suppose he went away.

Q. Do you know in what direction he went?—A. No, sir; I could not tell you.

Q. Did he say anything to you when he was going away?—A. No, sir.

Q. Did he give the reason why he was going away?—A. No, sir.

Q. Did he conceal himself in any way so that the officers could not see him?—A. I don't know; I think he was not very much hid; we were both in full view of the officers.

Q. Was he slightly hidden, if not very much?—A. No, sir; I don't think he was slightly hidden; I think he was in full view of the officers.

Q. You didn't like this man very much that you talked with, did you?—A. I had no reason for liking or disliking him.

Q. Did you not testify before the committee that you charged him with double-dealing?—A. Yes, sir.

Q. Now, as a good citizen, when you thought that, you did not like that man much?—A. Of course I felt angry at being treated in that way, but I had never met the man in that way. How could I have any like or dislike? I will not say I like or dislike you.

Q. Besides the fact that you believed he was double-dealing with you—A. O, I knew he was.

Q. You suspected that he was defrauding the Government, did you not, upon these cigars?—A. Yes, sir.

Q. As a good citizen, you did not care much about that man; he was not a very good friend of yours, was he?—A. No, sir; he certainly was not; I had certainly no time to form a dislike to a man whom I had never met before, and with whom I had just had a conversation.

Q. Was it not very strange that after talking so long with this man you had come to the conclusion that he was the owner of these cigars, and after having vainly endeavored to find out the man's name, you did not ask him what his name was—whether he was the man that the colored man employed, whether he was your tenant or not, or whether he was the man to whom the receipt was given? Is it not very strange that you never asked that question in all your conversation?—A. Hardly strange under those circumstances. I was very much excited at the time. In fact, I hardly know what I did say to him.

Q. Was not the reason the same that you now give, that you did not want to know him; that you were anxious not to find out the name of the man that was guilty of dishonest practices toward the Government and with double-dealing with you? Is not that the reason that you did not desire to know his name?—A. After I found out what was being carried on I didn't want to know, I didn't want to involve myself.

Q. Did you ask him for the key of the premises?—A. No, sir.

Q. If you did not want to know this man, why did you go and hunt him up? Why did you go to John and the other colored man to ascertain who he was?—A. Because I wanted to have these operations broken up; I wanted to have the stealing from me broken up and also whatever illegal practices there were immediately stopped.

Q. But you did not want to know his name or where he lived, or anything about him?—A. No, sir; because I didn't want to be mixed up with the affair.

Q. Did you ever tell the officers of the custom-house that you had ever made any effort to hunt this man up?—A. I don't remember ever having said so. I don't think that I did.

Q. Did you tell the officers what this man had said to you at the cooper-shop, when you met him, which led you to believe that he was the owner of the cigars?—A. Yes, sir.

Q. Did you tell that to Mr. Kinsella?—A. No, sir.

Q. When did you tell that; when the seizure was effected?—A. No, sir; some time afterward.

Q. If you wanted this business broken up, why did you not tell the officers what occurred between you and that man? Why did you not give Mr. Kinsella the information that was given you by that man?—A. I told Mr. Dan. Hutchinson afterward.

Q. I am not asking for afterward.

The WITNESS. At the time of the seizure?

Mr. WOODBURN. Yes. Why did you not tell Mr. Kinsella that when you went to give him information? When was it you saw Mr. Kinsella?

A. I went to Mr. Kinsella's office on Monday, but could not see him.

Q. Was the custom-house open on Monday?—A. I don't know. I went to his office, but I could not see him.

Q. Did you go inside of the walls of the custom-house on Monday?—A. Yes, sir; I went up to his room.

Q. Did you inquire for any other officers when you could not find him?—A. No, sir.

Q. You inquired of nobody?—A. No, sir.

Q. Consequently you went home?—A. No, sir; I went right out to the factory, because I made up my mind that if there should be any search made for those goods I would be there. Of course it was impossible for me to be in two places at one time, although I was very near it that day. I walked around pretty lively, and tried to bring things to a focus of some kind.

Q. You have stated that this man, whoever he was—Masich, probably—went away just as soon as the officers came in sight?—A. Yes, sir.

Q. You have also stated that he might have been partly hidden before you turned your back?—A. No. I said he was in open view.

Q. Did you not also say that he might be somewhat hidden?—A. He might have been behind me.

Q. Did you tell the officers where he went to?—A. I could not tell that.

Q. Did you tell Mr. Hutchinson or any of the officers from the custom-house that made the seizure?—A. No, sir; I didn't know where he went. I didn't inquire.

Q. Did you mention the fact to them that he had just left the premises?—A. No, sir; I didn't.

Q. You didn't say anything about it?—A. No, sir.

Q. Not a word?—A. Not at that time.

By Mr. CONGER:

Q. You speak about John; is he a colored man?—A. Yes, sir.

Q. Does he live near your premises?—A. He lived with Williams, in the next block beyond, on Bienville street.

Q. Your drayman was a colored man?—A. Yes, sir.

Q. You discharged him?—A. Yes, sir. I discharged him for stealing.

Q. Stealing where?—A. Stealing from the factory-yard.

Q. Was that before or after this seizure?—A. Before.

Q. How long before?—A. Well, I guess I discharged him about four or five days, or, perhaps, a week before.

Q. Did he live near you?—A. Yes, sir; just in the block beyond.

Q. And you watched on Saturday night and on Monday night?—A. No; I didn't. I got my brother to relieve me on Sunday night. Monday night no one watched. Saturday night I watched, and my brother watched on Sunday night.

Q. Where did you watch from?—A. I watched from the stable, which is near the cooper-shop.

Q. Did anybody come around?—A. Yes, sir.

Q. Who?—A. I could not see. It was in the dark; but a float drove up about 1 o'clock that night.

Q. Drove up where?—A. In front of that cooper-shop, and stopped there.

Q. How many men were with it?—A. I could not tell. I heard several voices. I was in the stable.

Q. You were in the stable watching?—A. Yes, sir.

Q. What did you do when they drove up?—A. I didn't do anything.

Q. Did they enter the shop?—A. No, sir.

Q. Did anybody come in there and take anything away?—A. No, sir.

Q. Did you not go out and see who it was?—A. No, sir.

Q. Can you not tell whether it was the same man you saw next morning?—A. O, no; I could not tell anything about it; and I don't know anything about whether it was connected with the premises or not.

Q. How long did it stop?—A. That I don't know either.

Q. You were watching these premises?—A. Yes, sir.

Q. How long did it stop?—A. I had an old horse in the yard, and he kept whinnying and making such a devil of a noise all the time that no damned fool would know what was in there.

Q. The horse was more faithful about giving an alarm than you were?—A. I don't know. If any one had tried to get in there I think I would have given the alarm. I think I would have given him a warm reception.

Q. Didn't you know who it was that came there and stopped when you were watching all night?—A. No; and I didn't care a cent who it was.

Q. Have you ever seen the man anywhere else than in Mr. Masich's store?

The WITNESS. Which man?

Mr. CONGER. The man that you met that Monday morning.—A. Yes, sir; I have.

Q. Where?

The WITNESS. You mean the man whom I supposed to be Masich?

Mr. CONGER. The man that you talked with just before the goods were seized.

A. I saw him in the custom-house several times.

Q. Is the man you saw now in jail?—A. No, sir; I believe not, I saw him several days ago.

Q. Is he under sentence here?—A. No, sir; I think not. I don't know. I haven't been watching around the courts.

Q. Has he been tried, convicted, and sentenced to jail?—A. I have not been to the United States court at all. I keep out of there as much as I can. I have not been near there.

Q. Do you tell this committee that you don't know whether the man that you saw was Mr. Masich or not?—A. Yes, sir; I say positively, I cannot tell. I believe he was, but I cannot tell.

Q. What sized man was he?—A. Short and stout.

Q. What kind of clothes did he wear?—A. He has been wearing rather light clothes, linen, I think.

Q. Did he have any marks about him by which you could identify him?—A. I would know him whenever I saw him.

Q. Can you give us any peculiarities about him by which we could recognize him?—A. He has a dark complexion, and is rather a short, thick-set man.

Q. Had he any whiskers?—A. Yes, sir; side whiskers, and I think mustache.

Q. Have you had any conversation with that man since this committee came here?—A. Only what I have stated to the committee.

By the CHAIRMAN:

Q. When you met this drayman, John, you asked him, did you not, where the owner of these cigars was?—A. No, sir; I didn't. I asked him where was the party that rented the place. If I stated that I asked for the owner of the cigars, I thought—

Q. Where did he point you to when you asked him?—A. He pointed across the street. He was standing at the corner of Gravier and Tchoupitoulas streets.

Q. Did he point in any particular direction?—A. Yes, sir; he pointed in such a direction that I went up-stairs into the office.

Q. Whom did you ask for?—A. Masich; and I was told that he was not in, but that he would be here.

Q. Why did you ask for Mr. Masich?—A. Because I had asked John previously who the party was who rented the place.

Q. Why did you ask for Masich? John didn't tell you it was Masich.—A. No, sir; I only asked because he pointed across the street to this place.

Q. It was Masich's store that he pointed to?—A. Yes, sir; I went in and the clerk said Masich was not in.

Q. How long did you remain there?—A. I can't remember exactly; 10 or 15 minutes. I didn't wait long.

Q. Did anybody come in while you were waiting?—A. No; I met this gentleman at the foot of the stairs. No one came while I was there.

Q. What did you do then?—A. I waited, I suppose, 5 or 10 minutes and then went down-stairs.

Q. Did you meet anybody on the stairway?—A. I didn't meet anybody on the stairs; I met this gentleman at the foot of the stairs.

Q. What direction was that gentleman going?—A. He was going up-stairs in the office.

Q. What did you say to him?—A. Nothing.

Q. Did you ask him if he was Masich?—A. No, sir.

Q. Did you address him at all?—A. No, sir; I didn't know whether he was the man. He might be a stranger, and I didn't like to address him, as I thought it was a business of a very peculiar and private nature, and therefore I didn't like to address any one about it.

Q. You did not address him at all?—A. No, sir.

Q. If you were in search of the owner of that store, and the clerk had told you that the owner was out, but would be back in a few minutes—A. He didn't say he would be back in a few minutes. If he had said he would be back in a few minutes, I would probably have gone right back.

Q. What did the clerk say?—A. He said Mr. Masich was out, and would remain, I don't remember exactly, but he gave me the impression that he would not be there very soon, and I waited there a little while, and concluded it was no use to wait any longer.

Q. You did not address this person whom you met at the foot of the stairs?—A. No.

Q. He went up-stairs?—A. Yes, sir.

Q. Why did you not return and ascertain whether or not that was Mr. Masich?—A. I was in a hurry.

Q. You were in a hurry about what?—A. To get back to the factory.

Q. You had gone there to this particular spot to do what?—A. I had gone to the custom-house on Saturday and again on Monday.

Q. You had gone to find this drayman there?—A. Yes, sir.

Q. You found him?—A. I went to find the owner, whoever he was. Of course I don't know Mr. Masich to-day. Certainly, after this I will ask some one who knows, if that man is Mr. Masich; although I think myself that is Mr. Masich, yet I could not swear.

By Mr. REILLY:

Q. Of course you had become convinced, from observation, that there was some wrong-doing going on on your premises?—A. Yes, sir.

Q. And you gave the information that you were in possession of to Mr. Kinsella?—A. Yes, sir.

Q. Did you know who Mr. Kinsella was before that time?—A. Yes, sir; at least I

knew that he was in that office. I don't know but I looked in the directory to find the name of the special agent.

Q. You sought to acquaint the proper officer of the Government with these facts?—A. Yes, sir.

Q. And you found that that proper officer was Mr. Kinsella; that he was the special agent of the Treasury Department?—A. I don't know what his business was, and didn't know at the time. I understood that he was special agent of the Treasury Department.

Q. You understood that at the time?—A. Yes, sir.

Q. And you believed that you had done all that was required of you when you had given the authorities the information which you were in possession of to enable them to detect any wrong doing, if there was any?—A. Yes, sir.

Q. You declined to make an affidavit because you didn't want to be involved in these proceedings?—A. Yes, sir.

Q. Did you believe, if there was any wrong going on there, considering that an entrance had been effected through your own premises, and that you owned those particular premises, that you might be brought into difficulty on that account?—A. Yes, sir; I felt sure that I could not explain the matter away.

Q. And the circumstances might be such as to implicate yourself in some way?—A. Yes, sir.

Q. And you wanted to clear yourself of this transaction?—A. Yes, sir.

Q. And you believed that you were doing all that was required of you as a good citizen if you gave information to the proper authorities?—A. I told Mr. Kinsella specially, "It is your duty to make the affidavit." I declined positively to make it, and told him I would not, but that it was his duty to do it.

Q. What time on Saturday night was it that this float came up?—A. About one o'clock.

Q. Could you see whether there was anything on the float or not?—A. It was empty as far as I could see.

Q. Could you judge from the voices how many men were with it?—A. No, I could not. There seemed to be three or four.

Q. You did state in answer to a question of Mr. Woodburn that it would be a long story for you to tell all the little incidents connected with this transaction or connected with this man whom you believed to be Mr. Masich. Was that one of the incidents you refer to?—A. No, sir.

Q. I wish you would please state to the committee that long story, so the committee may be as fully as you are in possession of it.—A. Perhaps an hour or an hour and a half before the seizure, (I cannot tell exactly the time,) I went to the factory—my memory fails me a little about the exact occurrence of the events of that day—but I know I went to the custom-house and went to Mr. Masich's store and went back again to the factory, and then it seems to me that it was afterward that I started from the factory to go in town again; and on the corner of Bienville and Derbigny streets I met Williams, the driver, coming with the dray, and Williams was talking with several persons.

Q. Who were the persons?—A. One of them was this same man. I said to Williams, "Are these not the parties renting from me?" He says "No; it is a man by the name of Cassiday who runs on the river." In the mean time these men left the crowd and went around the corner and disappeared. Of course I was very much excited and so was Williams. He got blue and green and every other color.

Q. Who were the men that were with this man and Williams?—A. I didn't recognize any of them.

Q. What is your best recollection as to whether it was before or after you had seen him out at the factory?—A. That was before I saw him at the factory.

Q. On the same morning?—A. On the same morning that the seizure was made; previous to the seizure. I then turned with Williams and made up my mind, as there was Williams and the dray, that if I didn't speak with Williams the things would be taken away; and as Mr. Kinsella had informed me that there was generally nothing found, I thought to myself there must be something there to make so much fuss about it and there shall be something found this time. I followed Williams back again, and when I got back to his house, which is beyond, there was another dray. There were two drays then. Then I followed Williams into his house, which I had no right to do, I suppose, and when I came out I didn't know exactly what to do or how to proceed. When I came out Williams came to the corner. He seemed to be at a loss what to do. He came to the corner from his house and then this man came up and addressed me, and asked immediately to let him take his things out.

Q. Did you say anything to Williams or Williams to you on the way up to his house, or in his house?—A. I only accused and upbraided him with the manner in which I was treated.

Q. Was there anything said about his going to the factory that morning for the purpose of taking away some of these things?—A. No, sir.

Q. Did he say what he was engaged to do?—A. No, sir.

Q. You didn't ask him?—A. I felt that he was under this influence and I was going to speak to him about—

Q. There was nothing said about it?—A. No, sir.

Q. Who had the other dray that you found at the factory?—A. I don't know.

Q. Who was the driver?—A. I don't know. It was not John. They were two strange drays, the drivers of which I had never seen before.

Q. It was not Williams's own dray, then?—A. No, sir.

Q. Can you remember whether or not that was before you went to the custom-house Monday morning?—A. Excuse me; since they are so particular about my testimony, I don't want to be taken up in any way. You asked me if that was Williams's dray. I don't know whether it was or not. It was not Williams that was on the dray. I recognized neither of the drivers; but of course it may have been Williams's dray, for all that.

Q. They were not driving it this morning?—A. No, sir.

Q. Can you recollect whether or not this occurrence took place before you went to the custom-house or to Masich's store on Monday morning?—A. This was subsequent to my going to the custom-house on Monday morning and failing to find Masich.

Q. And before you returned to the vinegar-factory?—A. I think I went to the vinegar-factory and then returned, coming in town. I was at a loss; I could not see Masich, or whoever he was; I could not see any custom-house officials, but it was all mixed up, and that is the whole of it, and I don't know how in the devil to get at it.

Q. Tell us the balance of the long story. That was not very long. What other incidents are there connected with this history?—A. I don't remember anything further.

Q. Did this man that had that conversation with you that morning, come up while these two drays were standing there?—A. Yes, sir.

Q. Was that the time he had the conversation with you, in which he begged of you to let him take the goods away?—A. Yes, sir.

Q. How near the vinegar-factory where these goods were, were the drays at that time?—A. I suppose nearly one square or three-fourths of a square.

Q. What did Williams say when you met the party at the corner, and asked Williams whether these were the parties that had rented your premises?—A. He said that they belonged to a man by the name of Cassidy, who ran on the river. I said, "You told me it was Karstendeik, and I went to see those men and could not find them."

Q. What did he say to that?—A. He still stuck to his story and said that it was Mr. Cassidy, who ran on the river.

Q. Did you discover or get any information about anything occurring on Sunday night?—A. No, sir.

Q. Your brother didn't communicate to you whether he had observed anything or not?—A. No, sir; I don't suppose he had observed anything, or he would have mentioned it.

Q. Were those drays near this vinegar-factory at the time the officers came there? Did they still remain there?—A. They stopped there, I suppose, waiting for orders for a few minutes before I paid any attention to the drays. I only thought there was a dray at Williams's door, and that there was one accompanying the party.

Q. Did you have any conversation with Hutchinson about this seizure?—A. Yes, sir.

Q. Will you state which of the officers that went there appeared to be the chief?—A. Mr. Hutchinson did.

Q. State what occurred between you and Hutchinson about those goods.

The WITNESS. Subsequently do you mean?

Mr. REILLY. At that time or subsequently.

A. Mr. Hutchinson came in, and it seems to me that I got to the gate before he did, but I am not sure whether it was not exactly the same time, and he presented the search-warrant to me. I read it and said, "Mr. Hutchinson, you have no right to come in this way; this is the vinegar-factory; the place the goods are stored is entirely separate from this and it has its own entrance on the other street." I said, "Your search-warrant is for that way; you have no right to come in this way; you ought to go round the other way." He said he could go where he pleased. I said, "Well, it don't make any difference to me; you can go where you like for all I care."

Q. Then they made search?—A. Then they made search.

Q. You accompanied them?—A. Yes, sir.

Q. Was there anything said before that time or at any time subsequent, in any conversation between you and Hutchinson, about who was the owner or suspected owner of those goods?—A. Yes, sir.

Q. Tell us what that was?—A. Hutchinson asked me who that man was. I said that I supposed him to be Mr. Masich, but I could not swear to it. He says, "Will you swear that it is Masich?" I said, "No, I will not." I positively refused. I said I objected to testifying against that man at all. I said, "He has been injured enough, I think;" and I refused. "Well," he says, "but suppose we should force you to testify. We

could put you in prison," &c. I told him it didn't make any difference about that. I could stay in prison; that I could do as some parties had done before; I could make finger-rings, and that they would be bought at good prices by parties here; that I didn't care; that I would just as lief stay in prison as not.

Q. Why did you not want to testify? What reason did you give?—A. I gave him no particular reason. I didn't wish to testify against any of the parties.

Q. Had you any particular reason for it in this particular case?—A. Well, no; not in this particular case.

Q. Had you any reason when you came before the committee this evening for not wishing to testify?—A. Only that it is disagreeable, of course, to testify to anything of this kind.

Q. There are no private or personal reasons?—A. No, sir.

Q. No scruples or anything of the kind in your mind?

The WITNESS. What do you mean by "scruples?"

Mr. REILLY. Any conscientious scruples or any relations with this man of any character.

A. No, sir.

Q. Any relations arising from any state of facts or associations?—A. No, sir; I had no associations with him. Of course I am doing business in this community, and there is always more or less feeling about these things. I cannot say that I fear anything personally, although some persons might.

Q. Was there any other incident that you can now recall connected with this transaction that made an impression upon your mind in any way?—A. I cannot call to mind anything; I didn't refresh my memory particularly on the subject.

Q. Was there at any time any offer of money made to you, or was the subject of receiving money discussed in any way in your presence?—A. Only at that time when this gentleman asked me what my losses were, and said he would pay what losses I had incurred.

Q. Has Hutchinson or any of the officers ever said anything to you about money in any way connected with this transaction?—A. No, sir.

Q. Can you say whether, on the morning that you were in Mr. Masich's store, you observed there any boxes similar in appearance to the ones you saw in the cooper-shop?—A. No, sir; I noticed nothing of the sort. I saw piles of cigars piled up there openly in the store.

Q. You didn't see any boxes there?—A. No, sir; nothing that would connect them in any way with these.

By Mr. WOODBURN:

Q. I understood you to state just now that you told Mr. Hutchinson, who was prominent in making the seizure of the cigars at the cooper-shop, that you had rather go to prison and make rings than testify against this man.—A. I suppose you would infer that I bluffed him.

Q. You so told him, and you concede you would have kept your word?—A. Yes, sir.

Q. What has induced you since that time to change your mind and led you to come before this committee and testify?—A. There are several reasons.

Q. What has induced you to come here and give your testimony when you refused to do it before, and said you would sooner go to prison?—A. In the first place, I suppose one reason why I am induced to give my testimony now is, that I think it will have some effect now, and I don't think it would have had any effect at that time.

Q. It would be effective in what way?—A. Well, I don't know; perhaps to stop these things.

Q. You didn't think it would have any such effect at that particular time?—A. Well, no, I didn't.

Q. Practices of that kind would be frequent and continued?—A. Yes, sir; I felt that these practices would be frequent and continued at that time.

Q. You think the morals of this community have improved since that time?—A. No. I think the democrats have got in power, and they are trying to stir things up. They hadn't any chance to do it then. That might be an answer to your question.

Q. How long before the seizure did you see Mr. Masich at the premises?—A. Ten or fifteen minutes. I remember I saw him previously on Bienville street.

Q. How long before the seizure did you see the two drays in the vicinity of the cooper-shop?—A. I don't know; there might have been twenty minutes or a half-hour consumed. I know there was a delay.

Q. Did Mr. Masich remain there all the time with the drays?—A. No, sir; he went around the corner at the time I met Williams.

Q. How far is the cooper-shop from the custom-house?—A. I suppose in the neighborhood of a mile and a quarter; I don't know exactly.

Q. How far is it from the point where the drays were to the custom-house?—A. Three-fourths of a mile perhaps.

Q. Could a man have time to get from the place where you saw Masich and the drays to the custom-house before the officers started from the custom-house to the factory?—A. Certainly he was much nearer than the custom-house; the things could have been removed if they had not been interrupted.

Q. When you saw Mr. Masich you saw him near where his drays were, did you not?—A. Yes, sir.

Q. When he disappeared did he not have time to go from that down to the custom-house, and didn't the officers have time to come back from the factory before you saw Masich again?—A. No, sir; I think not.

Q. It was impossible?—A. I could show you better by making a little diagram.

Q. I am asking for your best judgment of it.—A. He lived on the corner of Derbigny and Bienville streets, just about seven or eight squares. He must have gone on Conti street, and come around behind the factory and watched me. I don't know how else he could have done, because when I followed Williams into his house and staid there a few minutes, then Williams came out to the corner, and when I came there this man met me.

Q. Have you any other reason to offer to this committee why you have come here and given your testimony against Masich than the one you have testified to, that it will produce a better effect in this community now than it would have done at that time?—A. The reason I came to this committee to testify is because I was summoned. That, I suppose, is the reason. I did not desire to come here. I would have been very glad indeed to avoid it.

Q. Suppose you had disobeyed the subpoena; did you think you would be put in prison?—A. Yes, sir; I believed I would, from what I have seen in the papers.

Q. And you object to going to prison now for the disobedience of a subpoena, but you did not at the time of the seizure?—A. I suppose I am more willing to give testimony now than then. I was certainly not willing to give testimony at that time, but I don't know what I would have done if I had been arrested and put in prison. I might have given up and testified. I cannot say what I would have done; whether I would have tried it a little while or not.

Q. When this man asked you for permission to take the things away from the cooper-shop, did he not say to you, "Bailey, for God's sake let me take my things away?"—A. Yes, sir.

Q. That was his exact language?—A. Yes, sir.

Q. He knew you then, did he not?—A. He evidently knew me.

Q. He was acquainted with you?—A. I believe he said "Bailey."

Q. He was acquainted with you and talked familiarly with you?—A. Yes, sir; that is the way he hailed me.

Q. How long had you lived in New Orleans before that time?—A. I have been living here since I was three years old.

Q. Did you not know Masich's cigar-store on Gravier street?—A. Yes, sir.

Q. When he told you, "Bailey, for God's sake let me take my things away," did you not know that it was Masich?—A. No, sir; I didn't.

Q. Had you not seen him often before?—A. Not to connect him with this at all—no; I don't know; I may have seen that man before, but I never was introduced to him, and I had had no business with him. I may have met him as I met many men on the street, and I could not swear that I never had seen him before, but I say I don't remember it. He was not connected in my mind in any way with the transaction.

Q. Did you ask him if his name was Karstendeik, when he said, "Bailey, for God's sake let me take my things away?"—A. No, sir.

Q. Did you ask if his name was Karstendeik at all?—A. No, sir.

Q. Do you recollect the name you put in the receipt which you gave to the colored man?—A. I think it was Karstendeik; I may have written it sometimes Castendeik.

Q. Have you any political feeling in this matter?—A. No, sir.

By Mr. CONGER:

Q. I wish you to state to this committee why it is that from the time of the seizure up to this very night you have been unwilling to know who that man was that you met up there, and have avoided knowing him.—A. I hoped I would be able to dodge telling anything about the transaction. I supposed if the committee didn't probe me too deeply, that by saying I didn't know Masich and didn't know this man I would—

Q. That is not an answer to my question. Why, since December, 1873, up to the time this committee was appointed, have you carefully avoided knowing who Masich was, so that you could identify him?—A. I don't know; I thought perhaps there might be some investigation and I would be asked the question. There was a possibility; I cannot say there was a probability.

Q. How much did you receive from the Government as an informer?—A. One thousand six hundred and fifty-odd dollars.

Q. You received from the Government one thousand six hundred and fifty-odd dollars for helping to ferret out frauds?—A. Yes, sir.

Q. And yet you have carefully avoided finding out the man that you believe committed the fraud?—A. Yes, sir.

Q. You, a paid agent of this Government and determined not to know the man that you thought committed the fraud?—A. I was not the paid agent of the Government. I got pay for what I did. If I had told who this man was I ought to have got a good deal more.

Q. Why?—A. Because he would have been fined, I suppose.

Q. Then it was because you didn't get more that you wanted to avoid telling?—A. No, sir; it was because I didn't want to get any more; that is the reason.

Q. You got all you wanted to?—A. Yes, sir; I got all I wanted to. I didn't want to get any more at all.

Q. And you knew all you wanted to?—A. I don't know all I want to by a long shot.

Q. You had found out all you wanted to about this man, and you say you were determined not to know him. Is that the way you want your record to stand?—A. Any way at all; I don't care, just that way if you like it; that I was determined not to know, and didn't want to know.

Q. But, in spite of your determination, you have been compelled to know him?—A. No; I don't know him yet.

Q. Is this man in town, whoever he is?—A. I don't know.

Q. Will you go and find the man, and identify him, and come and tell this committee whether the man you saw was the man you now think he was? Are you willing to do that?—A. No, sir; I am not willing to do that. It would be a very disagreeable task for me, and I should do it very unwillingly if I was compelled to.

Q. Why did you object to Mr. Hutchinson's going to your premises when he had a search-warrant? Was there anything in that factory that you didn't want him to see?—A. No, sir; I told him he could go wherever he liked.

Q. But that was afterward.—A. It was within five minutes of the time of his arrival.

Q. When you first refused to let him come in, why did you refuse to let him search your premises?—A. Because I dictated the premises to be searched. I wrote it down myself with my own hands in Mr. Kinsella's son's note-book, and I supposed before I took the warrant that it contained the words "on Rocheblane, between Bienville and Conti streets." When I read this search-warrant aloud in the presence of the officers I said, "Your search-warrant directs you to proceed on Rocheblane, between Bienville and Conti streets, and you have no right to come in here, because this is on Bienville street."

Q. Suppose he had no right; what objection had you to his going into your factory?—A. There seemed to be a connection between my factory and the cigars; just the same way now that all this testimony will appear in the papers to-morrow as the cigars of Bailey's vinegar factory. It is no use for me talk about it; I cannot get out of it.

Q. Why did you resist the officer in going into the vinegar factory, when he came there to make a search?—A. I resisted his entrance, if you call it resistance, in that way, because I considered that he had no right there; and if I had had any physical force there he would not have entered that way. He would have had to go his own road. I would have made him go.

Q. Did he enter through that factory?—A. Yes, sir.

Q. He entered the building through the same door that opened out of the factory?—A. Yes, sir.

Q. Was the door locked?—A. I didn't go there to ascertain, but I presume it was; so was the door that was on my side locked; both doors were locked.

Q. Did you furnish the key to open the door through your factory?—A. No, sir; I nailed up the door, and it was locked.

Q. How was it opened?—A. They brought a locksmith along. I don't know whether they opened it with a skeleton-key or bursted it; but my impression is that they opened it with a pick-lock or with a skeleton-key. The door was not nailed at that time; I had nailed it previously.

Q. They opened the door that led out of your vinegar factory into this shed?—A. Yes, sir.

Q. Did they open the other door?—A. No, sir; they didn't. They moved the goods through my entrance.

Q. Did he make any examination of the vinegar factory?—A. No, sir.

Q. The two buildings were one building, with a door between them?—A. No, sir; not at all. The factory and dependencies occupied the whole block at one time; but this building is, I suppose one hundred feet from the nearest factory.

Q. Which building is?—A. This building where the cigars were found—across the yard.

Q. He unlocked a door that went out of your factory yard?—A. The factory yard, we will say.

Q. He went out of your factory door, did he not?—A. It is very hard for me to anticipate in my testimony all this subtle minutiae.

Q. I don't see anything remarkably subtle about this question. Did the door out of the vinegar factory open into the shed where the cigars were?—A. Out of the vinegar factory; yes.

Q. I mean out of the building.—A. The whole yard and all the dependencies.

Q. Is what you call the vinegar factory a building?—A. Yes, sir.

Q. Is the door which you speak of, which you nailed up, in that building?—A. It was formerly a cooper-shop, and is now rented as a cooper-shop, and has been for months, by a party who is not connected with this.

Q. When you opened the door, did it open directly into the shed where the cigars were?—A. Yes, sir.

Q. And not into the yard?—A. No, sir; it didn't open into the building. The opening was in the building, but the door opened into the yard; it swung into the yard.

Q. Was there a yard or space between the building that had the door which you had nailed up, and the shed building?—A. The shed building is the building in which the cigars were found.

Q. Was there any yard between this shed building and the door that you say you nailed up?—A. The door that I nailed up opened into this shed building. It opened out from the shed building into the yard; it swung out.

Q. What building of yours did he go into?—A. Mr. Kinsella's son came into the factory building. I took him across the yard and up into the factory building. Dan. Hutchinson, when he made the search, didn't come into the factory building at all.

Q. He went into the yard?—A. Yes, sir.

Q. And he went up to this door that you had nailed up?—A. Yes, sir.

Q. I had understood that out of the factory building into the shed, which I supposed was against it, was a door that opened between them.—A. No, sir. I sent a diagram of the whole thing on to Washington, just in order to avoid this very difficulty.

Q. What objections had you to Hutchinson's going into an open yard?—A. I only had the objection that people would say that they came there and took cigars out of my place.

Q. What difference does it make with you whether they took them out of the door leading on to the street, or whether they took them out of the door from the yard?—A. I didn't care much. I could not explain to the committee the reason why this resistance was attempted to be shown—this great resistance which I made. It was not because I wished to disconnect myself with it, because I felt that I had exculpated myself by going and informing.

By Mr. REILLY:

Q. Give us the reason.—A. You can all understand the delicacy of my position. I made this resistance because I had dictated the search-warrant, and I supposed they would go to the other street.

By Mr. CONGER:

Q. The shed was a separate building, with a yard between the two buildings?—A. Yes, sir; it had its own yard and a fence around it, but the building occupied the back end, of course, and it formed a portion of the factory. It was used as a cooper-shop when the business was extensive.

Q. I desire, still more than I did before, to know why you objected to his coming into this very yard that belonged to the shed. Why did you object to his going to the yard that belonged to the shed?—A. Really, I considered that I afterward withdrew my objection. I said, "Go wherever you like; it is all the same to me."

Q. That was after he said he would go, was it not?—A. Yes, sir.

Q. And after he started in?—A. Yes, sir.

Q. And when you could not help yourself?—A. It didn't make any difference to me.

Q. You said that after he had gone in?—A. I thought he ought to have gone on the other side and made the search, and so I objected.

Q. For the present and future I ask you if you had any such connection with the storage of that smuggled property, other than you have told?—A. I answer unreservedly that I had no connection. Of course, an answer like that, under these circumstances, is of no weight at all.

Q. And yet you say that the circumstances were so peculiar that you thought then, as you think now, that the presumption cannot be avoided, that you had something to do with it.—A. By the public. I have been commiserated—if that is the proper term—persons have expressed great concern and care about it. My friends have said, "I am sorry that you lost those cigars;" to which I said nothing. It was perfect folly for me to say I had nothing to do with it. They would say, "O, yes, that is too thin."

Q. But you didn't take occasion to mention to them the \$1,600 that was part of the consideration?—A. No. I don't believe informers generally go around and brag of their exploits. I will take all the odium that is attached to the name.

Q. You didn't want to make the affidavit that was necessary in the case?—A. I wanted to throw that on Kinsella. He was the paid officer of the Government.

Q. You were not forced to do it, but it seems to me you ought to have made the necessary affidavit.—A. I was not forced to do it. I had a great deal of trouble to get the \$1,600.

Q. You did not hesitate about taking all proper measures to get that, did you?—A. No, sir. When I made up my mind to get that, I carried it through as I did the seizure.

Q. And to get that you had to prove that you gave the information that was necessary, did you not?—A. Yes, sir.

Q. Is a part of your hostility to Kinsella because he tried to prove that his son made the discoveries?—A. To this day I have no personal hostility against Mr. Kinsella. Of course he is disappointed that he didn't receive the money. I don't suppose he has any personal hostility against me, because we haven't had any difficulty at all, except in this one particular instance. Under those circumstances I have no particular hostility. I have got the \$1,600.

Q. There was a contest between you and him as to which should get the \$1,600, and that created some ill-feeling at the time?—A. No great ill-feeling. I met Mr. Kinsella in reference to the informer's fees, and stated my case, and urged it pretty persistently, but there was no personal ill-feeling; there were never any hard words; we never called each other names, or anything of that sort.

Q. From that time to this, have you not endeavored in all possible ways to show not only that Mr. Kinsella was not entitled to it, but to show that he was neglectful of his duty, as you have to-night?—A. No. I did not take any particular steps in connection with this matter. In connection with this matter, I made, of course, all the efforts that I could to obtain the informer's fee.

Q. And among them were some showing not only that he was not entitled to it, but that he was neglectful of his duty?—A. Yes, sir; the reason of that is, that he attempted to prove resistance on my part.

Q. And, to be consistent, you have kept up that theory until now?—A. I may wrong Mr. Kinsella, but it seemed to me that all these circumstances pointed to him as being concerned in the smuggling; they pointed to him as having delayed investigation in some way.

Q. You and Kinsella both submitted proof at Washington as to which was entitled to the money?—A. Yes, sir.

By Mr VANCE:

Q. Do I understand you to say that Mr. Kinsella contested your right to the money as informer?—A. Yes, sir.

Q. What time on Saturday, prior to the seizure, did you lay this information that there were cigars there before Mr. Kinsella?—A. I don't know. It was 11 or 12 o'clock. I think it was before noon.

Q. Did Mr. Kinsella's son accompany you to the factory or shed that you refer to?—A. Yes, sir.

Q. What time in the day did he leave there, after making the discoveries that he did in your presence?—A. I cannot tell.

Q. About what time of the day?—A. It must have been between 12 and 1 o'clock.

Q. Did he have time between that time and night to have made seizure of the cigars?—A. I don't know whether he did or not.

Q. By using due diligence did he have time?—A. I hardly think that he would have had time to make the affidavit. I considered it his duty to place an officer there and inform me in such a way that I could be relieved. There was great stress on my mind.

Q. Mr. Kinsella, in conversation with you, stated that he wanted you to make an affidavit, did he?—A. Yes, sir.

Q. Did you make an affidavit on Monday?—A. No, sir; I didn't.

Q. Did you make an affidavit on Monday?—A. No, sir; I made no affidavit at any time.

Q. Did you give any other information to Mr. Kinsella after Saturday and after the visit of his son?—A. No, sir; I didn't.

Q. Did you see him after that and before the seizure?—A. No, sir; I didn't.

Q. The information was given by yourself and the seizure followed that without any further interview between yourself and Mr. Kinsella?—A. Yes, sir; I pointed out several suspicious circumstances to his son at the time.

By the CHAIRMAN:

Q. Was the proper entrance to this building in which the cigars were placed through your factory or on another street?—A. It was clearly on another street, because I had had a fence made. It was a portion of a fence; I completed it and hung a gate and made an entrance across the gutter; and I hired a man to do that whom I could bring to testify to that.

Q. So that there was an entrance to this building in which the cigars were placed?—A. Yes, sir; a bridge across the gutter.

Q. Entirely removed from that factory?—A. Yes, sir; there was no trouble at all about this case.

Q. When the officer came, he came to that factory?—A. Yes, sir.

Q. You desired him to take the proper entrance instead of passing through your factory?—A. Yes, sir.

By Mr. CONGER:

Q. When they took away the boxes, did they drive up to your door which you said was nailed up?—A. I don't know. I went and looked all through.

Q. Could they drive up to the door without coming through your factory?—A. O, yes; certainly. It was an open yard. I don't know what drays took away the cigars. It may have been the very drays that were there. I examined the building to find any stolen things.

Q. Did you find any?—A. No, sir; I didn't find any, and I left immediately. I considered that I had searched long enough.

Q. Where did you go as soon as that was done?—A. I went home.

Q. And then where?—A. I can't remember.

Q. Did you come down to the business part of the city? Did you come down to Mr. Masich's store?—A. O, no, sir. I had gone to Masich's store before.

Q. Did you come again after the goods were received that day?—A. No, sir.

Q. Did you that night?—A. No, sir; I have never been in Masich's store since that time. I was in his store that one time when I went up there.

By Mr. REILLY:

Q. Have you learned that this matter has been under investigation by us prior to your testimony to-night?—A. Yes, sir.

Q. Do you know that Mr. Kinsella and other witnesses have testified, and that, in their testimony, your name has been mentioned?—A. Bailey has been mentioned as the old vinegar man. Bailey's vinegar factory means that factory that I have mentioned.

Q. When were you subpoenaed as a witness before this committee?—A. To-day.

Q. Do you know who subpoenaed you?

The WITNESS. Personally, do you mean?

Mr. REILLY. Yes.

A. No, sir.

Q. Do you know the one who subpoenaed you to be a legally-appointed messenger of this committee?—A. I know the person who brought me here. His name is Clony. I am personally acquainted with him.

Q. Do you know whether he is acting in the capacity of messenger of this committee?—A. I didn't know it previous to to-day. I suppose, of course, he is a messenger, because he brought me. I didn't know it previous to that, however. You ask me if I know who summoned me. I glanced over the paper in here, and I saw Mr. Reilly's name upon it, and I suppose it was by Mr. Reilly's directions that I was summoned. I have the subpoena in my pocket, which was served on me by Mr. Clony.

NEW ORLEANS, *June 15, 1876.*

JOHN D. CRAWFORD recalled.

By Mr. WHITAKER:

Q. You swore yesterday that you were entry-clerk in the custom-house. Be good enough to state how long you have been employed in the custom-house.—A. Since August, 1862.

Q. For a considerable time you were liquidating-clerk there, I believe?—A. I was.

Q. I wish you to state to the committee briefly the mode in which entries are made, liquidations effected, and the accounts closed between the Government and importers, with reference to importations.—A. In regard to the importation of salt, by the American bark *Pericles*, on 12th December, 1870, I have before me the manifest, the entry made by the consignees of the salt, (Jackson & Anderson,) the consular invoice certified to by the consul at the port of Liverpool, the port of shipment, the return of the officer who discharged the vessel, and the weigher's return who weighed the salt, together with the report made by the appraisers.

Q. State just what was done in that case, step by step.—A. On December 12, 1870, this vessel entered this port, the master making oath to the manifest in which the cargo was described as 5,582 sacks of salt, shipped at Liverpool by Moore & Holt, and consigned to Jackson & Anderson, New Orleans. A permit was issued to allow the vessel to discharge, the consignees making their entry, which is here submitted, called the impost-entry, from which it appears that there were shipped 5,582 sacks of salt, weighing 507½ tons, valued at £495 16s. 11d., or \$2,400. The broker, in making this entry, instead of putting twenty-four cents per hundred pounds in the column set

apart for the rate of duties, placed eighteen cents per hundred pounds, as will be seen. Bear in mind that Mr. Casey came into office in May, 1869, and that this entry was made in 1870. At that time Charles A. Baquie was assistant entry-clerk, and had been recently appointed. He is a colored gentleman, and succeeded Mr. D. V. Benjamin, secretary of the oil-works, and a very talented clerk. Mr. Baquie was inexperienced at the time, and extended the rate of duty the same as the broker had entered it.

Q. What was his duty in reference to that extension?—A. Simply to estimate the duty. The clerk in the naval office made precisely the same blunder.

Q. All the figuring on the estimates appeared on the paper?—A. On the face of the entry. That comes from the naval office; the calculations are made there.

Q. One is intended as a check upon the other?—A. Yes, sir. That duty, as estimated, was paid on the 14th of December. It took the vessel say from ten to fifteen days to discharge. The return of the weigher was made, which shows that there were 5,582 sacks of salt. The return by the inspector shows 5,582 sacks of salt.

Q. In all these papers it appears as sacks?—A. Sacks. The estimate shows 18 cents instead of 24 cents. The report of the appraiser comes in and reads, "On wharf, salt in sacks, 24 cents per 100 pounds."

Q. They are appraised at the time the import-entry is made?—A. Immediately afterward.

Q. And after the estimate of duties?—A. They paid duty on the 14th of December. On the 16th of December the appraiser reports salt in sacks. Mr. William H. Anderson swore to the correctness of this entry, giving bond to pay any deficiency of duty that might be found upon the liquidation of the entry.

Q. Explain to the committee what that liquidation is.—A. In the case of importations where we do not take all the goods to the appraiser's store for examination, we exact from the importer a bond, binding him to pay any deficiency of duties that may be found upon liquidation of the entry; that is, after the weigher's, measurer's, gauger's, and appraiser's returns are filed in the collector's office. They are then carefully compared with the original statement, invoice, and entry, and the difference, if any, is ascertained and settled.

Q. Is that done in more than one office of the custom-house?—A. It is done in the naval office and the collector's office.

Q. Then do you send notice to the merchants informing them as to whether there is a rebate?—A. In accordance with the regulations there is sent out to the merchant a memorandum of the facts relative to the importations, calling upon the merchants to come up and settle, or to come up and we pay him back the rebate, as the case may be.

Q. What was done in this case in regard to that liquidation?—A. This entry was liquidated on the 7th of January, 1871, passed the naval office on the 9th, and the deficiency of duty, as ascertained, was paid upon the 13th of January.

Q. Were the parties notified, in the due course of business, about the deficiency?—A. They must have been, owing to the fact that they came up and settled the deficiency of duty on the 13th of January.

Q. Is there usually a difference between the estimate of the duties on entry and the amount finally ascertained on liquidation?—A. In nine cases out of ten there is a difference, owing to the fact that our laws levy duty upon an article according to its component materials; on its weight, its gauge, and its value, according to the materials of which it is composed.

Q. In other words, there are specific, *ad valorem*, and compound duties?—A. Yes, sir. When the goods are admitted for appraisement it is discovered of what materials the merchandise is composed, and then the duty is accordingly. For instance, we have silk wearing apparel; that pays 60 per cent. We have silk that enters into combination with other articles to form an article of knit goods; in that case if the silk is not of the chief value it pays 50 per cent. Hence arise the excesses and deficiencies on entries of merchandise.

Q. How is it on questions of weight?—A. The same in the case of salt. Very often a vessel will make water, or leak, and the salt dissolves. The law contemplates and only levies duties upon the quantity actually landed, not upon the quantity shipped; hence the deficiency of duty on salt; the same with liquors in casks.

Q. Do you not sometimes also have errors at the entry-desk, in conflict with these computations?—A. It is a matter of pride with the entry-clerks to try and be correct, but it is possible that errors do arise.

Q. Is not this the only instance of an error that you have seen?—A. It is the only error of any moment that has occurred at the entry-desk during my fifteen years' service.

Q. You say that the vessel was entered on the 14th of December and the liquidation was made on the 7th of January, and the 9th passed the naval office, and on the 13th the deficiency was paid?—A. Yes, sir; it was adjusted on the 13th. To us in the custom-house this matter is a laughing-stock, to think that merchants or men of any sense would imagine that there was fraud on the face of these papers.

Q. The papers are all regular except that one mistake?—A. Yes, sir. I will state

here, in extenuation of this glaring error made by Mr. Baquie, that very often the custom-house brokers in preparing these papers endeavor to put a lower rate of duty imagining that they save their clients something, quite forgetting the fact that these papers are adjusted in the collector's office and the naval office, as well as in the accounting-office in Washington City. Yet had this so-called fraud gone through and been consummated, had this firm derived the benefit of this low duty, the papers when they reached Washington would most undoubtedly show to that office that a sufficient quantity of duty was not collected, and that deficiency would have been charged against the collector in his accounts. Mr. Cuthbert Bullitt had some \$7,000 to pay to the Government when his bond as collector was canceled. Mr. Kellogg, I think, had \$17 to his credit for duty that had been collected in excess of the revenue laws. So that this amount of duty, if it had been made by the importers, would certainly have been charged to the collector upon his accounts.

Q. It would be seen in Washington that it had been entered in sacks on the invoice and on the appraiser's returns, and if they found that he had only collected duty on salt in bulk, it would have been discovered and the collector would have been charged with it?—A. Yes, sir.

Q. W. D. Hall, former measurer in the custom-house, testified in reference to some importations of cigars by the *De Soto*, of which you may have seen some notice in the newspapers. Do you remember the fact I refer to?—A. Yes, sir.

Q. State what you know about that.—A. The steamship *De Soto* in 1869 was plying between New York and New Orleans *via* Havana.

Q. Did she come *via* Havana in 1870 at all?—A. No, sir; in 1870 she traded directly with New York.

Q. As he testified particularly with reference to that, I will ask you if you have made a careful examination of the custom-house records in that case?—A. I have before me the manifests of this vessel, and there is nothing on them to show that any goods were consigned to the parties he named.

Q. Did she come *via* Havana in 1870?—A. No, sir; but she did in 1869. In 1870 she entered from New York direct twelve times.

Q. Mr. Finnegan swore to the seizure of some cheese and wine and a horse and wagon in New Orleans. Do you remember the substance of his testimony?—A. I saw it in the papers.

Q. State to the committee who it was that applied for and obtained the informer's share of the proceeds of that seizure, so far as the records show.—A. I was requested to get up these papers and I have done so. The papers show that a man by the name of Thomas P. Ludgate, residing at No. 92 Eighth street, New Orleans, on the 11th March, 1874, claimed to be the informer on certain wine and cheese seized from on board the Italian bark *Pirandello*, lying at the elevator in the fourth district of this city. He stated in his letter that a man named Casey, a night-watchman—

Q. Is that Casey any connection of Collector Casey?—A. No, sir; no relation I believe. Perhaps I had better read the letter:

“NEW ORLEANS, March 11, 1874.

“SIR: I have been informed through a friend of mine that I am entitled to compensation for the assistance I rendered custom-house officer James Casey in detecting the cheese and wine which he seized on board the Italian bark lying at the elevator on Monday night and Tuesday morning, March 9 and 10 instant. I beg to say that I am a private watchman, employed by the New Orleans Elevator and Warehouse Company, permanently engaged as such, and on account of which the captain took me into his confidence, and told me he had cheese aboard, &c. I immediately informed officer James Casey of the United States customs of that fact, and afterward introduced Mr. James Casey to the captain as a private individual, through which introduction the captain took said Casey into his confidence, he not thinking for a moment he was a custom-house official, but as a disinterested party, who could render him all the assistance necessary to carry the stuff away. It was through this the seizure was made. Otherwise I am sure he would have disposed of the whole lot and never have been detected. I am certain it would not have been made only for me. If you are satisfied that my services are entitled to remuneration for the services rendered to the Government, I hope you will see that I am properly treated, and oblige.

“I remain, sir, yours, &c.,

“THOMAS P. LUDGATE.”

“T. J. KINSELLA, Esq.,

“United States Treasury Agent, New Orleans.

“P. S.—I expect officer James Casey has told you the whole transaction before now; if not, I refer you to him for the above facts.

“THOMAS P. LUDGATE,
“92 Eighth Street, New Orleans.”

This bears the following indorsement :

"Respectfully referred to the collector. If the within statements are true I think Mr. Ludgate's claim is entitled to some consideration ; and as the collector is the judge in such cases, this paper is referred to him.

"T. J. KINSELLA,
"Special Agent."

Then follows the certificate of the appraisers that the stuff has deteriorated and will become valueless if kept. That is sworn to before me as a notary public. Thereupon the goods were disposed of. This is the paper showing the seizures, and signed by James Casey, night-inspector, and P. Finnegan, district officer, fourth district. The appraisement of the goods in question amounted to \$477.80.

The application of the informer reads thus :

"I respectfully represent that I gave the information which led to the seizures and to the recovery of the penalties following, to wit: [and then he states the cheese and wine.]

"And I respectfully claim the informer's share of the proceeds accruing therefrom.

"THOMAS P. LUDGATE,
"JAMES CASEY,
"Night-Watchmen."

This is a paper of the same tenor, referring to a horse, wagon, and harness, the net proceeds of the sale of which amounted to \$88.77. The appraised value was \$120. The informer's application for this is only signed by James Casey, night-inspector. I would state that under the law the seizing-officer is not entitled to an informer's share.

Q. Did any one get the informer's share?—A. Mr. Thomas P. Ludgate and James Casey, night-watchmen, got their shares—some \$61.22.

Q. Did Finnegan ever make any application, to your knowledge, to the custom-house in regard to that matter?—A. There is nothing on file showing it.

Q. You do not know of any such application?—A. I do not.

Q. Have you the papers in reference to eleven cases imported by Tienman, referred to in the testimony of Mr. Wicker?—A. Yes, sir; on the 3d August, 1872, there arrived by the steamship Margaret nine cases containing 54,300 cigars, and two cases containing 195 reams of wrapping-paper, the entry of which was made by B. Tienman upon an uncertified invoice; the importer giving a bond to produce the consular invoice in accordance with the law and regulations.

Q. There was some difficulty about getting that invoice, was there not?—A. Owing to some action on the part of special agent Wicker at Key West, Mr. Torbert refused to certify to the invoice. That led to some correspondence, which finally resulted in the parties getting their consular invoice verified by the consul. The bond had been given upon the entry of the goods. The papers were finally settled and adjusted. There is the invoice with the appraiser's report and liquidation-papers of the several officers, as in the case of the salt.

Q. And the duties have been paid?—A. The duties were paid. The estimated duties were paid before the goods were taken from the vessel to the warehouse. The adjustment, or final settlement, was made after the goods had been examined.

Q. In such cases the goods are then delivered into the importer's hands and a bond is given for the difference?—A. The bond holds good for any difference. I would state that taking the records of the customs, we very seldom err over \$50 or \$100 in the taking up of rates of duties upon an entry perhaps representing \$3,000 or \$4,000 of duties; and that not perhaps once in twenty times.

Q. That is in estimating the duty at the time of the entry?—A. Yes, sir.

Q. You remember entries made by a man named H. Huard?—A. Yes, sir; I will state to the committee that the reason why I came prepared with all these records is that I got them up from reading in the papers what Mr. Ferguson and other parties had testified to before this committee. I got these papers up and had them arranged so that they could be regularly referred to.

Q. What was Huard's business with the custom-house in the months of January and February, 1875; what goods did he import, and to what amount?—A. In January, 1875, he imported forty-six thousand cigars, in five cases, by the C. W. Lord.

Q. Were the duties paid upon them?—A. The duties were paid on the 25th of January, 1875. He also imported by the steamship Wilmington, on the 15th February, three cases containing thirty thousand cigars.

Q. When were the duties paid?—A. The 15th of February. He also imported February 26, 1875, by the C. W. Lord, one case containing fifty-six hundred cigars.

Q. When were the duties paid, if at all?—A. On the 27th of February.

Q. Now give us the next case.—A. By the same vessel he imported twelve cases of guava jelly, on the 17th of March, 1875, on which he paid the duty.

Q. What day did he make the entry?—A. On the 17th of March.

By Mr. REILLY :

Q. Can you tell us what he imported in 1873?—A. No, sir.

By Mr. WHITAKER :

Q. What is the duty on jelly?—A. Jellies pay 50 per cent. duty.

Q. Is it not within your knowledge that jellies and marmalades come packed in the same cases occasionally?—A. It is so reported by the appraisers.

Q. That makes it necessary to make investigation in cases of jelly, does it not?—A. Yes, sir.

Q. Is there not a difference in duty between jellies and marmalades?—A. Thirty-five per cent. is the duty on marmalades, and fifty per cent. on jellies.

Q. Explain to the committee the decision of the Secretary of the Treasury on that point.—A. Until a year or two ago we classed marmalades and jellies all at fifty per cent. I believe J. B. Solari, of this city, made a fight with us on that point; and it was decided by the Department that marmalade being the fruit itself, combined with other things, should be classed at thirty-five per cent.; and that jelly, being the juice of the fruit, combined with other things, should be classed at fifty per cent. Since which time, in accordance with that decision of the Secretary of the Treasury, we have adjusted the duties on importations.

Q. What was the case with this entry of twelve cases of jelly; was there any marmalade in these twelve cases invoiced as jelly?—A. Yes, sir; the broker made out the entry as jelly.

By Mr. REILLY :

Q. When was this entry made?—A. On the 17th of March, 1875. The broker made out the papers as guava jelly. In accordance with that the assistant entry-clerk, Mr. Nessin, extended the duty at fifty per cent., which was also done by the naval office, and the party paid the duty on the 17th of March at fifty per cent. In due course of business the invoice was referred to the appraiser's office, and on the 19th of March they made their return, thus: "P. D., 1 to 12; 12 cases marmalade and jelly as noted." The notations over the face, descriptive of the contents of the cases, read: "One-half marmalade, value \$414.60, thirty-five per cent. One-half jelly, value \$414.60, fifty per cent." I will state that the invoice price of jellies and marmalades is the same, and it is so sold in this city, which we tried to make a point of.

By Mr. WHITAKER :

Q. The duty was adjusted upon that basis?—A. Yes, sir; the duty was adjusted upon that basis, making an excess collected of \$30.45, which was refunded to the man.

By Mr. CONGER :

Q. Would that memorandum of the amount of each, marmalade and guava jelly, indicate that there had been a personal examination of the contents of the cases?—A. There must have been from the memorandum on the face of the invoice.

By Mr. WHITAKER :

Q. Be good enough to turn to the papers that you have here in reference to entries made by Leon MacCarthy in March, 1875, and state what entries he made of cigars during that month.—A. By the steamship Juniata, which arrived at this port on the 9th of March, 1875, there is an entry of seven cases, containing 72,000 cigars.

Q. Were the duties paid upon them?—A. They were paid March 9, 1875. Here is the United States consular certified invoice; here is the order sending them to the appraiser's store; here is the report made by the inspector of cigars, together with the order addressed to him, which reads thus :

"COLLECTOR'S OFFICE, CUSTOM-HOUSE,
"New Orleans, March 9, 1875.

"To the Inspector of Cigars :

"You will affix and cancel the proper internal-revenue stamps on the following merchandise, viz: M. L., 4 to 10. Seven cases; vessel, Juniata; description merchandise, cigars, 72,000, weighing 484 pounds. Imported by L. MacCarthy, in the Juniata, from Havana, 9th March, 1875; and return this paper to this office, with report indorsed thereon, when completed.

"T. V. COPELAND,
"Deputy Collector."

The following is the return of the inspector of cigars :

"CUSTOM-HOUSE,
"New Orleans, March 11, 1875.

"SIR : I certify that the proper stamps have been affixed to the packages described in the inclosed order, and canceled as required by law and regulation, viz: Number of

boxes, 980; number of customs and internal-revenue stamps: 980 customs stamps and 980 internal-revenue stamps; 500 boxes containing 100 each; 400 boxes, 50 each; 80 boxes, 25 each.

"J. M. DAVIS,
"Inspector of Cigars.

"To JAMES L. CASEY, Esq., *Collector, &c.*"

Here is the permit authorizing the storekeeper to deliver this merchant his cigars upon liquidation. By the same vessel, arriving at the same time, and for the same parties, on the 12th of March, there is an entry for eight cases, containing 73,000 cigars, the duty on which was paid March 12; it is accompanied by United States consular invoice; the order sending the goods to the appraisers; the same kind of an order addressed to inspector of cigars; and duty paid at port of delivery.

Q. State the date when that was paid.—A. The 12th of March. I would state here, as I mentioned to Mr. Reilly in the custom-house building, that this man Ferguson according to the newspaper report, said there were one hundred and forty thousand cigars passed on papers that only called for seventy-two thousand.

Q. That was in March, 1875?—A. Yes, sir. I will state that this man was a laborer whose duty it was to affix these stamps to these boxes, and if this inspector of cigars, Mr. Davis, is called here he will say, as I now say, that this man would not see the papers relative to importations, being a laborer; neither would he come up-stairs into the liquidation-room or any other office to inquire about these papers. The only paper that he could see as a laborer would be this order to the cigar-inspector to stamp, one of which is dated March 9 and the other March 12; one covering seventy-two thousand cigars and the other seventy-three thousand, making one hundred and forty-five thousand cigars. So he had just seen enough, I suppose, to imagine that something was wrong. "A little learning is a dangerous thing."

Q. Do you remember whether the steamer City of Merida entered this port in March, 1875? Mr. Ferguson stated that MacCarthy had imported from one hundred and forty thousand to one hundred and forty-five thousand cigars by the City of Merida in March, 1875, and only paid duties on seventy-two thousand.—A. The steamship City of Merida entered this port from Havana on the 23d of April, 1875.

Q. Was she in port during the month of March?—A. She was not.

Q. Do you know whether she entered this port during the month of February?—A. I could not say. She is a vessel on the regular line making schedule-time, and makes her connections with railroad regularity.

Q. You do not know whether she brought any cigars in the month of February?—A. I do not.

Q. Do you know of Mr. MacCarthy making entries for any one but himself?—A. I do not know anything of that kind.

Q. The entries that he has made are made in his own name?—A. Always in his own name.

Q. Look at the entries by the Yazoo and Juniata, April, 1874, April, 1875, and December, 1875, made by Mr. Domingo?—A. That has reference to the cigarette question. I went back as far as 1874, and I found that Mr. Domingo had only made three importations of cigars. The papers are now before me. On the 15th of December, 1874, Mr. Domingo, by the steamship Yazoo, entered nine cases of cigars containing ninety thousand two hundred; and one case of cigarettes containing one thousand and fifty. The duty was settled in accordance with the appraiser's report. There is the United States consular invoice, the order sending them to the appraiser's store, the report on the invoice made by the appraising officers showing that they examined them, and the cigar-inspector's report in which he says that he stamped one thousand eight hundred and eight boxes: that is, thirty boxes of cigarettes; six hundred boxes containing each one hundred; five hundred boxes containing fifty each; seven hundred and eight of twenty-five each; and thirty boxes of cigarettes with twenty-five to each box. The law being silent on the subject of the number of cigarettes to be packed in a box, the matter was referred to the Secretary of the Treasury, and he issued a letter in 1869 directing us—

Q. What was the necessity of having any such instructions?—A. To show the number that should be packed in a box.

Q. Was it not to have them correspond to the use of the internal-revenue stamp?—A. I am coming to that. In view of the fact that there was no legislation, that order was made covering the stamping and packing of cigarettes in boxes, and was to the effect that they should be packed in boxes containing not less than five hundred, so as to agree with the internal-revenue stamp for twenty-five cigars. That was the point of issue. Since that time we have carried out the instructions of the Treasury Department. We had to put all kinds of stamps on, and there was trouble. On the 7th April, 1875, Mr. Domingo made another importation of two cases containing twenty thousand cigars, and one case containing two thousand and thirty bunches of cigarettes. The same papers are on file in that case—the consular invoice, the order sending them to the appraisers, the order to deliver them, the report of the appraiser, and the report of the cigar-inspector showing that he packed them, twenty-five packs in two boxes.

Q. When was the duty paid on that importation?—A. April 7, 1875.

Q. When was the duty paid on the first importation?—A. December 16, 1874. In April, 1875, he imported nine cases of cigars, containing 81,300, and one case of cigarettes containing 2,030. The papers are accompanied by the United States consular certified invoice, the order sending them to the appraiser's store, the order to deliver them, the report made by the appraisers of examination, and report made by the inspector of cigars of having stamped them.

Referring to the cigarette question and stamping, I have a copy of the Secretary's letter, which reads thus:

“TREASURY DEPARTMENT,

“Washington, February 1, 1869.

“SIR: Your communication of the 22d ultimo is received, requesting instructions in relation to stamping of imported cigarettes and cheroots.

“In reply, you are informed that under the act of July 20, 1868, all cigars, cigarettes, and cheroots must be put up in boxes, and duly stamped before leaving the custody of the officers of the customs. It will be seen from the inclosed regulation, issued by the Commissioner of Internal Revenue on August 1 and October 27, 1868, respectively, that the only stamp now prepared for cigarettes is one for a box containing 500 cigarettes; such stamps can be procured by you when required from the collector of internal revenue of your district. In case, therefore, cigarettes arrive at your port in packages or bundles, they must be packed in boxes of 500, and stamped, as aforesaid, before delivered to the importer. It will be noted that cigarettes, weighing more than three pounds per dozen, are liable to the same tax as cigars.

“I am, very respectfully,

“HUGH McCULLOCH,

“Secretary of the Treasury.

“PERRY FULLER, Esq.,

“Collector, &c., New Orleans.”

Q. So far as you know, that regulation has been complied with?—A. It has been complied with.

Q. State now with reference to the export entry of Mr. Huard.—A. I will state here that Mr. Ferguson testified that cigars had been exported from this port, and afterward returned as old furniture, &c. I find among the records these papers: Six export entries by H. Huard, dated 15th February, 1875, showing that those goods were withdrawn from the warehouse, and exported under bond to the port of Havana by the German steamship Hanover. The papers bear the certificate of the inspector who superintended the shipment, which reads thus:

“PORT OF NEW ORLEANS,

“February 16, 1875.

“I, Thomas H. Jenks, have examined the goods described in the within order, and find them to agree therewith. They were laden under my supervision on board the German steamship Hanover, Himbeck, master, for exportation to Havana.

“JAMES H. JENKS.”

Here is the order to deliver them from the warehouse, and the order to the inspector of cigars to cancel the revenue-stamp on each box.

Q. Explain to the committee how that is done.—A. The following letter will explain that

“CUSTOM-HOUSE, NEW ORLEANS,

“Collector's Office, February 10, 1875.

“To the Inspector of Cigars:

“SIR: You are directed to inspect and cancel the United States stamps on three cases imported by Gonzales Brothers in the American steamship Liberty, and marked as follows, [marks omitted,] to be withdrawn for exportation from United States bonded warehouse; and report on the back of this order the number of boxes, quantity of cigars, stamps canceled, the quantity, if any, missing, and the brand on the same.”

The report on the above is as follows:

“Return of cigars inspected and stamps canceled; imported by Gonzales Brothers; three cases, 40,000 cigars. Found on inspection 460 boxes, 40,000 cigars; missing, none.

“J. M. DAVIS,

“Inspector of Cigars,

“JAMES F. CASEY, Collector.”

Q. How did they cancel these stamps?—A. They have a stencil of brass with wavy lines over it, and the word "canceled."

Q. Do they put the word "export" also upon it?—A. I do not know. Here is the manifest of the vessel that took the cigars away. There is the landing-certificate signed by Henry C. Hall, Consul-General at the port of Havana:

"I, J. R. Marquette, of the city of Havana, do hereby certify that the goods or merchandise hereinafter described have been landed in this city between the 19th and 21st of February, 1875, from on board steamship Hanover, whereof Himbeck is master."

And then it goes on and describes the goods, and among them are these cigars, which, according to the bills of lading of the same, were "shipped on board the said steamship at the port of New Orleans, in the United States of America, on or about the 16th of February, 1875." Here is the consular certificate to the foregoing:

"I, the undersigned consul-general of the United States of America, at the city and port of Havana, do declare that the facts set forth in the preceding certificate subscribed by Messrs. J. R. Marquette & Co., of said city, and dated the 17th instant, are, in my opinion, just and true, and deserving full faith and credit.

"In testimony whereof I have hereunto subscribed my name and affixed the seal of my office at Havana, this 26th February, 1875.

[SEAL OF OFFICE.]

"HENRY C. HALL,
"Consul-General."

Q. Mr. Ferguson said in substance that about two years ago last winter 12 or 14 cases were brought into the cigar-room that looked as though they had been cut down from large cases; that they held only 3,000 each; and that you and Mr. Ong looked at them and soon afterward an order was issued prohibiting the sending of any more cigars to the bonded warehouse. State whether he represents you correctly or otherwise?—A. I have no memory of the case whatever. The cigar-room is entirely set apart for appraising and stamping cigars. No one is allowed in there except in the presence of inspector of cigars; and those officials up-stairs seldom visit that place—not perhaps once in six months. They have no business there. So carefully guarded in this business of appraising and attending to the importation and stamping of cigars, that the importers, I am informed and believe, are requested to attend, and do attend, at the opening of these cases. So much thieving of cigars is done on the steamships, the cigars being valuable, and so much complaint having been made of missing boxes of cigars, of boxes being in bad order, &c., and the merchants wanting to have direct recourse against the ship, it was deemed prudent that the merchants should be present when those cases of cigars were opened. With that exception no one is allowed in the cigar-room.

Q. Can you state, from recollection of any examination you have made, whether Mr. Masich has been of late years an importer of cigars through the custom-house?—A. How do you mean by "of late?"

Q. How long has it been since he has been in the habit of importing cigars?—A. He has been a very heavy importer. It never struck me about the man's business, whether he carried it on more or less.

Q. Please state to the committee how the entire work has compared one year with another from 1874.—A. I wish to state that in regard to this time of 1874 we had an immense business at this port for the force engaged. I had two assistant entry-clerks to pass these entries, some of the entries perhaps 18 or 20 feet long, and others were smaller. We would do our work at night-time, in order to keep the importers from grumbling. I will read you a memorandum I have kept since 1867, which gives the number of entries passed each month, the value of the merchandise, and the amount of duty. This is a rough estimate made at the entry-desk, and does not show the real amount of duty or the real value as settled upon liquidation. In the month of December, 1870, when this salt mistake was made, we three entry-clerks passed 673 entries, representing \$2,170,551. The duty collected was \$531,059.07. So that you will readily see that this error was simply a clerical error, not of judgment or of fraud, and might happen at any time. For the year 1870 we passed 5,988 entries, representing over \$18,000,000; that is, in value of merchandise.

By the CHAIRMAN:

Q. Are you speaking of cigars only?—A. Everything that came into the port. I am speaking of the duties collected for the year 1870.

Q. You are speaking of the entire customs duties?—A. Yes, sir; the entire customs duties of New Orleans for the year 1870.

Q. This is all embraced in the reports made to the Secretary of the Treasury, is it not?—A. Yes, sir; the monthly reports.

Q. The report tallies with this?—A. It does, except, as I say, the valuation may have changed.

Q. How far does this statement you propose making go back?—A. Only this one year and one month, when this error arose in 1870. The amount of duty collected in that year was \$5,731,249.04. I am showing the amount of business in order to show that this error

was made, not in the judgment of the clerk, nor in fraud, but was simply an error made by the clerk through his inexperience, he taking the rate of duty as set forth in the entry made by the broker.

By Mr. WHITAKER :

Q. State what the relations are between the naval office and the collector's office, and how far the naval office has connection with the business of the appraisers, storekeepers, inspectors, &c.—A. The duties of the naval office are definitely set forth. They are auditing-officers for the collector. They check all our work, receive copies of all our papers, and they attach their signatures to all permits and documents issued by the collector.

Q. They have no supervision over the business of the other departments except the accounts?—A. No, sir; they have co-equal jurisdiction in regard to attesting documents.

By Mr. CONGER :

Q. Are the certificates and papers from one office of such a character that they would necessarily be checks upon the like kind in regard to the same importations and the same business of the other offices?—A. Yes, sir.

Q. Can any transaction in regard to importations take place in the custom-house that has not its corresponding examination in regard to each article in the naval office?—A. All papers are countersigned and checked by the naval office.

Q. State whether all certificates or receipts for payment of duties, and the accounts for them kept in the subtreasury are made by vouchers from each of these offices day by day?—A. Yes, sir.

Q. So that on one day there should appear on the books of the customs office and of the naval office exactly corresponding entries?—A. Exactly.

Q. Could there be any difference or any fraud in that respect without the collusion of the two offices?—A. There could not.

By Mr. VANCE :

Q. Does the naval office get its information in regard to the papers that you refer to, and which they examine, from the custom-house?—A. They keep a duplicate set of copies of all entries.

Q. Made at the custom-house?—A. Made by the merchants, brokers, and importers of merchandise. The naval office has one copy, another copy is lodged with the collector, and, in case of liquors, one copy is lodged with the surveyor.

By Mr. CONGER :

Q. So that each department has a review of the same or duplicate papers relating to the same transaction?—A. Yes, sir.

Q. Up to its last and final disposition?—A. Yes, sir.

By Mr. WHITAKER :

Q. The duty of the naval office is simply auditing?—A. Yes, sir.

Q. And has nothing to do with handling the goods?—A. No, sir; that belongs to the appraiser.

Q. Please explain to the committee the operation of the general-order system.—A. A steamship arriving here has in her bill of lading a clause to this effect: "The collector of the port being thereby authorized to grant a general order for discharge immediately after entry of ship at the custom-house." The Secretary of the Treasury directed us to issue the general order to a vessel upon demand, in consequence of that clause being in the bill of lading.

Q. Suppose that a merchant makes his entry before the vessel is discharged, does he then have the privilege of selecting his warehouse?—A. He has at any time he makes his entry. He can take them out of one house and put them in another. I would state here in regard to the general order, that it had been the custom to keep a vessel two or three days before permitting her to be discharged. George A. Fosdick, being agent for a steamship-line, insisted upon this clause of the bill of lading being carried into effect. He complained of us to the Department in Washington, and hence this order in which the Secretary told us not to interfere between the ship and the consignees of the goods, and that, if the bill of lading contained that clause, to issue the general order, and let the importer take the consequence of having to pay the expense of his goods going into warehouse. Prior to 1874, the law gave the collector the authority to designate the general-order stores. The act of June or July, 1874, directed that the general-order warehouse should be the one nearest to the ship. That law has been obeyed.

By Mr. REILLY :

Q. How is that warehouse known at the custom-house?—A. Each warehouse is numbered.

Q. What is the number of that?—A. Number one is blank, number three is filled, number two is filled, and number six is filled.

Q. Which is the one that is nearest the ship?—A. It is according to what part of the port the ship lies in. Sometimes it lies away up town, and sometimes away down town. The

Liverpool line of steamers prefer to discharge their cargoes away down below, in the third district; the German steamships prefer to run away up town. There is one more matter here that was mentioned in the testimony in the case of E. Dubriel. The steamship Tappahannock arrived at this port the 27th of July, 1872. The cigars, amounting to 24,000, referred to in the testimony of Special Agent Wicker, were entered at this port July 27, 1872, viz: Six cases, containing 24,000 cigars; one case of labels, and one keg of wine; which importation was accompanied by the United States consular certified invoice. The duties on said merchandise were paid.

By Mr. CONGER:

Q. I will ask you, in regard to Mr. Casey's administration of the custom-house, whether since your connection with the office you have had an opportunity, as entry-clerk, of being familiar with the whole subject of entries, and of complaints that might arise in regard to it.—A. I have.

Q. Whether during that time irregularities or complaints of irregularities about the entries have always been promptly examined and corrected, or whether they have been passed over and not examined into.—A. A memorial of the merchants and importers of this city has been gotten up, which testifies to our diligence and the attention given to the work of the office.

Q. Do you know of any frauds or attempted frauds in regard to the entries or duties on imported goods during Mr. Casey's administration? Have any such been brought to your knowledge that have not been promptly examined into?—A. Every case has been examined according to law. We have had cases where undervaluations were made, but the manner prescribed by the regulations for proceeding in such cases has been carried out, viz: We would select two merchants, who, together with the general appraiser and local appraiser, would consider the subject of the proper value of the goods in question. Of course the seizures for frauds have been properly attended to.

Q. Have any cases of reported frauds come to your knowledge that have not had prompt and sufficient examination, in your judgment?—A. So far as I know, such cases have received prompt and immediate attention on the part of the customs officials.

Q. Do you yourself know of any fraudulent acts connected with importations and matters coming under your observation, that have not been reported and examined into?—A. No, sir; not during Mr. Casey's administration. I will state here that I served under Mr. Denison, Mr. Bullitt, Mr. Kellogg, Mr. Fuller, and Mr. Casey, the present collector.

Q. In the same position?—A. In the same position through all.

By Mr. REILLY:

Q. Have you, in your position as entry-clerk, any means of learning the contents of cases of merchandise that are imported other than what appears upon the papers that are submitted to you?—A. No, sir.

Q. Has the naval officer, by virtue of his office, any means of acquiring any information as to the actual contents of cases of merchandise imported other than appears upon the papers which come before him?—A. None that I am aware of.

Q. Then, so far as your position is concerned, an invoice might represent twelve cases of silks, when in point of fact it might be twelve cases of cigars, or hardware, or anything else?—A. Yes, sir.

Q. So far as the naval office is concerned the same is true?—A. I judge so.

Q. What officers of the custom-house in the discharge of their duties only could acquire an actual knowledge of the contents of cases that are imported—any but the appraiser?

The WITNESS. You are talking of cases of goods?

Mr. REILLY. I am talking of any goods that are imported that are secured in boxes out of sight.—A. That would necessarily involve the appraiser, the assistant appraiser, the examiner, and the openers and packers.

Q. By what name is the department known in which these persons who make these examinations are occupied or employed?—A. It is called the appraiser's department.

Q. And are not the duties of the persons in that department entirely different and distinct from the duties of any other department?—A. They are.

Q. Each other department has other and varied duties to perform than the appraiser's?—A. Yes, sir.

Q. Then, in the course of the business of the custom-house, each different department takes the correctness of the papers in regard to goods from any other department for granted?—A. For what it says on its face.

Q. Your papers first pass to what office?—A. To the naval office.

Q. For instance, if your papers upon their face appear to be correct, the naval officer takes it for granted that they are correct without further examination?—A. There is a strict prohibition against that. He is supposed to turn my paper face down, and go over his calculations on his copy, and then turn it up and see if the two agree. That is the regulation and the order of the office.

Q. Where does he get his papers from?—A. The broker or the merchant.

Q. And they are supposed to be duplicates of the papers you get at your entry-desk?—A. Yes, sir.

Q. If there is any discrepancy between those two sets of papers whatever, an inquiry would be made to see what is wrong, or, if a mistake is made, to correct it?—A. He adjusts his paper looking to his superior officer, and has no reference to us whatever to correct any mistakes on his side.

Q. Take this case: Suppose that you have an invoice of twelve cases of jelly coming from Havana to New Orleans. The invoice is duly made out twelve cases of jelly, certified to by the consul, and comes to you in proper shape, but, in point of fact, when the goods arrive here, they are twelve cases of cigars. What means have you in your possession as entry-clerk of detecting that wrong?—A. I have none.

Q. What means has the naval officer?—A. I do not know. He may have private instructions from the Secretary of the Treasury authorizing and directing him to act as special agent. But so far as my own office is concerned we have no such instructions.

Q. Then, to take the case further, suppose that the appraiser certifies upon the arrival of the vessel that he has appraised all goods as they are invoiced, and that they are as stated. In that case you make no further inquiries, so far as you are concerned?—A. No; it does not come back to me.

Q. Does any other department of the customs make any further inquiry if everything appears upon the papers to be correct?—A. No, sir.

Q. Suppose there are fifty cases of merchandise of a particular kind, guava jelly, for instance; does the appraiser open and examine every one of these cases?—A. I cannot say; but he is required to do it if they are sent to his store. I order them to his store and the supposition is that he opens and examines them.

Q. Is it not the custom that he examines one out of ten?—A. No, sir; that is the regulation requiring the number of packages to be sent to his store out of an importation—10 per cent. of goods all alike.

Q. Suppose there are fifty cases of guava jelly, consigned to John Jones, arrive on any ship; are those fifty cases all sent to the appraiser's room to be examined, or only 10 per cent.?—A. It is according to the manner in which the invoice is made out.

Q. Suppose it is made out for fifty cases, describing the contents of each case.—A. The law requires that the contents of each package shall be described on each invoice. In this particular instance it was not described; therefore, they were all ordered to the appraiser's. Inasmuch as the invoice said "one to twelve—twelve cases of marmalade and jelly"—I ordered them all to the appraisers'. Hence, one-half of them turned out to be marmalade and one-half jelly.

Q. Suppose that the invoice was all regularly made out and 10 per cent. of the quantity was sent to the appraiser's store, where he examined it and found it was real, while the balance of the fifty cases were cigars; what means of detecting that fraud would any other officer of the customs have?

The WITNESS. Do you speak now of my knowledge as a custom-house man?

Mr. REILLY. Yes, sir.

A. Not having filled the office of inspector, night-watchman, or examiner—

Q. I mean every other official or person through whom the papers would have to go for the proper discharge of that vessel; I do not mean a detective or night-watchman who is sent around to prevent smuggling.—A. No one but the officer who opens the cases would know.

Q. Do you know this man H. Huard?—A. I do.

Q. What is his business?—A. Huard was master of a vessel in 1863 and 1864 plying between Matamoras and this port. That was my first knowledge of him. I have seen him several times in the custom-house, and I have seen him on the street.

Q. Is he to your knowledge engaged in business in this city?—A. I cannot say.

Q. Have you ever known him to occupy a store?—A. I have seen him at a store right opposite the post-office.

Q. Do you know whether it was his store?—A. I do not; I have only a bowing acquaintance with him.

Q. He was a pretty heavy importer of jellies, was he not?—A. I do not know.

Q. He imported several cargoes at least?—A. The papers do not show it.

Q. Do they not show several invoices of jellies?—A. There is only one of jellies; the others are all cigars.

Q. Did you ever know Mr. Huard to engage in this city in any such business as the sale of jellies or marmalades?—A. I do not know, I am sure.

Q. Did you ever know him to be in the cigar business?—A. Yes, sir.

Q. Where was his place of business in the cigar business?—A. He had a cigar-stand right opposite the post-office. I have seen him on Carondelet street. I have seen him on Camp street, and on Canal street, as I passed by.

Q. Do you know whether Mr. Huard made any importations in 1873?—A. I do not know; I presume he did.

Q. You did not examine the records that far back?—A. I did not.

Q. As I understand, you gave, as a reason why you came prepared with these papers, that you have seen the testimony of Ferguson and the other witnesses as to certain importations that he alleged were fraudulent?—A. Just so.

Q. He testified that there were some importations in 1873 to Huard, which he alleges were fraudulent.—A. I can find out for you if there were any.

Q. You did not observe that in his testimony, and did not make any preparation to hunt for that?—A. I did not. I am certain I got up all the cases that I have seen referred to, and I am certain that if he had mentioned any case in 1873, with which Mr. Huard or any other man was connected, I would have got up those papers.

Q. I think he did mention these cases.—A. I am positive I got up all the papers in the cases mentioned by Mr. Ferguson.

Q. Suppose that upon the arrival of a vessel containing, say, 12 cases of merchandise or 12 cases of guava jelly, the invoice, entry, and all papers were regular, could the collector give an order to have the goods sent immediately from the ship to the warehouse?—A. No, sir; that comes under the general-order permit.

Q. Has it been done in such cases?—A. No, sir; the general order covers that point.

Q. What examination is made of goods where they are consigned under general order to the warehouse?—A. There is no examination made. No one is allowed to disturb the cases on the levee. If anything is broken or in bad order, it is noted upon the official returns of the officer in charge.

Q. Suppose, upon the arrival of a vessel containing, say, 12 cases of guava jelly or 12 cases of merchandise, could the collector, without any examination by the appraiser or other official, grant a permit for the discharge of those cases from the vessel to the warehouse?—A. No, sir; not without the collusion of the surveyor and the naval officer.

Q. Why not?—A. Because his order would have to be countersigned by those officials.

Q. Is the order issued in the first instance by the collector or deputy collector?—A. It is.

Q. To whom is it sent?—A. After the ship-master or agent pays the fee for that order, as required by law, he then has it signed by the collector, countersigned by the deputy naval officer, registered, and stamped.

Q. In your experience as a custom-house official, have you ever known any officer of the customs to refuse to countersign a permit for goods to be sent to a warehouse when such permit had been granted by the collector or deputy collector?—A. No.

Q. Mr. Ferguson says, if I remember his testimony rightly, that there were some goods imported consigned to H. Huard in 1873 as guava jelly.—A. That is the one referred to in the paper before you.

Q. Take this paper. Here is an invoice of these goods consigned to H. Huard. It is all in regular form; the declaration and certificate of the consul come to your office. Please tell me what are the usual means of detecting whether the cases that came upon that ship, as they appear upon that invoice, contain a different article from what the invoice states?—A. I really do not understand the drift of the question.

Q. The vessel has arrived and there is an invoice of a portion of the cargo. Tell me what means a custom-house official would have for detecting any difference between the cases on that ship and the contents as described in that invoice.—A. None, other than the examining-officers.

Q. Suppose upon the arrival of a ship the collector had issued a permit that those twelve cases should be consigned to the general-order; would there be any examination made at all of the contents? Suppose the permit had gone regularly through.

The WITNESS. Do you mean by the officers in charge of the vessel?

Mr. REILLY. Yes.

A. No, sir.

Q. They would be sent from the vessel to the warehouse without any examination at all?—A. They would be sent from the vessel to the general order. A dray-ticket would be made out describing the goods by marks and numbers, and a drayman would take the receipt of the warehouseman. The warehouseman, the moment he receives them in his warehouse, has his brander and marker go to work and put on the name of the vessel, and the month and year in which they are imported, so as to identify them from any other cases. For instance, the steamship Yazoo makes three trips. He has to put the date of each arrival. Then the inspector makes his returns to the surveyor inclosing these dray-tickets as vouchers for sending these goods to the general-order warehouse or any other warehouse, or to the appraiser's.

Q. Now we have them in the warehouse. Suppose the consignee or owner, after they are in the warehouse some time, wants to get them out; what process do they have to go through then?—A. They go to the custom-house and present their entries and papers.

Q. And they are examined the same as they would if on board the vessel?—A. Yes, sir.

Q. Then in that case the only officer who would have any opportunity of acquiring an actual knowledge of the contents would be the appraiser?—A. The appraiser.

Q. They would come to his department from the warehouse the same as they would from the vessel?—A. He is the officer under the law that is supposed to know the contents of cases of merchandise.

Q. Suppose there is an invoice of twelve cases of jelly; one of the cases only contains jelly and the other eleven cases actually contain cigars, and the appraiser certifies that they are all jelly. What means has any other custom-house official of detecting that fraud?—

A. That is an old story. They have tried those things from 1812 up to the present day, and we always slip up on them. In my time in the custom-house—

Q. Now answer my question. That will be the most expeditious way of getting along. What means has any custom-house official of detecting that fraud?—A. None, other than the examining-officer.

Q. My question included the approval by the appraiser of the invoice as twelve cases of jelly; whereas in truth there was only one case of jelly and eleven cases of cigars. Could not that fraud be perpetrated by collusion between that officer and the importer?—A. Not without the other men whom I have mentioned being in collusion with them.

Q. Why is it necessary for these men to be in collusion?—A. Because this man does not perform the act of opening the goods.

Q. You mean the men that are under him?—A. Yes, sir.

Q. I am speaking of matters outside the appraiser's department.—A. O, I say again there is no one can be accountable for the contents of cases except the appraiser and the men under him.

Q. If the appraiser and any of his employes, the importer and the collector, were in collusion to perpetrate such a fraud, what means are there to prevent it? What check has any one department on the other so as to enable it to be discovered?—A. Well, sir, the men in the same line of business very soon discover that.

Q. I am not speaking of them. I am speaking of custom-house officials.—A. There is none.

Q. Then it is possible to commit a fraud on the revenue?—A. Undoubtedly, it is possible.

Q. I understood you to say in substance in your answer to Mr. Conger that the checks on the different departments in the collection of customs were so perfect that it would be impossible to perpetrate a fraud upon the revenues; you do not now mean to say that?—A. No, I do not.

Q. Do you think it is necessary for the naval office to be in collusion?—A. Yes, sir; all the offices.

Q. Tell us why. I stated a case and I understood your answer that it could be done. If you do not understand me, I will repeat the question.

The WITNESS. I wish you would.

The following question and answer were read to the witness:

“Q. If the appraiser and any of his employes, the importer and the collector, were in collusion to perpetrate such a fraud, what means are there to prevent it? What check has any one department on the other so as to enable it to be discovered?—A. Well, sir, the men in the same line of business very soon discover that.”

The WITNESS. I mean by that the merchants in the same line of business.

Q. Have you any knowledge of twelve cases of guava jelly being consigned to H. Huard in 1873?—A. I have not.

Q. If twelve such cases did pass through the custom-house and were delivered to him, only one of which in point of fact contained guava jelly, and the other eleven contained cigars, you would have no means of acquiring any knowledge upon the subject except what appeared upon the face of the papers?—A. No means except what appeared upon the face of the papers.

Q. Then, to make it definite and conclusive, take that invoice which was marked twelve cases of marmalade and jelly. So far as your knowledge is concerned of the truthfulness of this invoice, it is acquired from that note or memorandum?—A. Just so.

Q. Is there any other officer connected with the customs at all who gets any other information as to the truthfulness of this invoice except Mr. Ong?—A. None of the officials upstairs.

Q. If you were to make an examination of the record and were to swear that it was all correct, yet in point of fact you could not say that eleven of those cases, if they had been so delivered, did not contain cigars?—A. I could not say so.

Q. All that you could say is, that the record appears to be right?—A. That the record is there, and it is taken for what it contains on the face of it.

Q. Do you know that in the case of the importations of twelve cases marked guava jelly in 1873, consigned to H. Huard, there was an order issued by the deputy collector to take those twelve cases to warehouse No. 6?—A. There were no such importations made in 1873. If there had been, I would have got up the papers in regard to it certainly.

Q. Did you see all of Ferguson's testimony?—A. I saw all that was in the papers.

Q. If there was such a permit granted upon any shipment, would the record that remains in your office show that permit?—A. Most undoubtedly it would.

Q. Even though the goods had not been sent to the warehouse as per the permit? That is to say, if after such a permit had been issued for those twelve cases to be sent to warehouse No. 6, yet in point of fact they were sent to the custom-house to the cigar-room, would that permit still appear among the records?—A. Yes, sir.

Q. Who were the appraisers and inspectors of cigars in 1873?—A. J. M. Davis was the inspector of cigars; Thomas Ong had charge of the wines and liquors department as local appraiser; the examiners I do not recollect. Morey and Ingalls are the examiners in the wines and liquors department now, and Mr. Thomas H. Oglesby is an examiner. There are about five examiners down stairs.

Q. Do you know Mr. Leon MacCarthy?—A. I do.

Q. How long have you known him?—A. I cannot say; I presume six or eight years, or perhaps longer.

Q. Have you known him to be in business in this city?—A. Yes, sir.

Q. Until what time?—A. He is in business yet, so far as I know.

Q. Has he a place of business in this city?—A. I do not know.

Q. Has he had for the last several years?—A. I believe he is under financial embarrassment; I do not know it though.

Q. Has he been for several years past in business here?—A. At one time, Mr. MacCarthy was a very heavy importer of cigars.

Q. How long ago was that?—A. Three or four or five years ago; I would not like to say positively, but I understand that he is financially embarrassed. It might be true and it might not be. His connections are very high; he is connected with the Aldige family.

Q. Do you know the Gonzales Brothers in this city?—A. Yes, sir.

Q. Are they in business here?—A. Yes, sir.

Q. Did you hear of the purchase by Masich of some two or three hundred cigars from Gonzales Brothers that were in bond in the warehouse?—A. No, sir; I do not know anything about their business.

Q. Would your position in the custom-house afford you any means of obtaining knowledge of the exportation or the withdrawal of goods from bonded warehouse?—A. Yes, sir.

Q. You remember of no transaction occurring in which there was a withdrawal from the bonded warehouse of a large amount of cigars owned by Gonzales Brothers?—A. Yes, sir; I submitted the papers to you for that transaction.

Q. Were those the cigars that you spoke about having exported?—A. Yes, sir.

Q. Now tell us all you know about the exportation of those cigars.—A. All I know is what is shown by the papers. [The collector's copy of withdrawal from the warehouse for exportation was handed to Mr. Reilly by witness.]

Q. From these papers, it appears that Mr. Huard made the withdrawal and not Mr. Masich?—A. Mr. Huard's name appears there on the face of the papers.

Q. Do you know whether he was acting for himself, or some one else?—A. I do not.

Q. This was on the 29th of January, 1873. Do you know what Mr. Huard's business was at that time?—A. I do not.

Q. This is for the withdrawal of 40,000 cigars. So far as you know, does that include the whole amount that were in bonded warehouse imported by Gonzales Brothers?—A. I cannot say.

Q. Is there any other paper of withdrawal in connection with this transaction?—A. Yes, sir.

Q. I mean showing any additional amount. Is this the whole amount of this transaction?—A. Yes, sir.

Q. Was there any other transaction of the same character at a different time?—A. There were six.

Q. I wish you would look at the withdrawal-papers, and give us the number of cigars that were withdrawn.—A. The whole number is 109,475.

Q. Were those all withdrawn in the month of January, or about that time?—A. Yes, sir; so these papers show.

Q. All on the same day, the 29th of January?—A. These are for the 15th February, 1875. Perhaps he instituted the preliminary proceedings in January. The permit to withdraw from warehouse is dated 13th of February. The actual delivery was made on the 16th of February.

Q. Will you allow me to see the bond in that case?—A. The bonds are on file in the custom-house. They are preserved in book form.

Q. Do you remember who the sureties were on these bonds?—A. I do not.

Q. Do you remember whether or not Mr. Masich was?—A. I do not; I did not look at that.

Q. Will you look that up and cause the committee to be informed?—A. I will do so.

[Subsequently the following letter in reference to this inquiry was received by the committee, and ordered to be put in evidence:]

“CUSTOM-HOUSE, NEW ORLEANS, LA.,
“Collector's Office, June 16, 1876.

“SIR: In answer to your inquiry as to the name of the surety on export-bonds of cigars, exported from bonded warehouse to the port of Havana ex steamship Hanover, by H. Huard, in the month of February, 1875, I have to reply that the surety on said bonds is Mr. Francis Masich. His qualification as such is attached to said bonds.

“Very respectfully,

“SIMON GREEN,
“Bond-Clerk.

“To Hon. Mr. REILLY,
“Congressional Committee, New Orleans.”]

Q. Did you ever, by reason of your position, acquire any knowledge as to whether any of these cigars had been re-imported into this port?—A. I did not.

Q. The steamship Hanover was a foreign vessel?—A. North German. She has been plying to this port for six or seven years.

Q. What was the steamship City of Merida?—A. She was an American ship.

Q. Plying on the coast?—A. No, sir. She belongs to the Alexandré line, and runs from New York to Havana, and from there to the Mexican ports, and touches at New Orleans.

Q. You do not know whether the steamship City of Merida brought any importation of cigars in April for which MacCarthy made the entry?—A. Yes, sir.

Q. Do you know whether the steamship City of Merida took any goods out of this port for exportation?—A. I do not.

Q. You do not know whether any of these cigars that were in the warehouse owned by Gonzales Brothers were shipped on that vessel?—A. The papers read "the Hanover."

Q. Your knowledge is only acquired from the papers?—A. From the papers.

Q. (Handing a paper to witness.) What is the quantity of cigars named on that?—A. 72,000.

Q. Is that all the cigars that were on that vessel at that time?—A. (After examining the manifest.) There was one case of cigars consigned to J. S. Gener. Those thirteen cases are all.

Q. Did MacCarthy make the entry for these cigars?—A. You have the entry there before you on that paper.

Q. Have you any means of knowing whether, in point of fact, these 72,000 cigars were not a portion of the 109,475 that had been exported?—A. No, sir.

Q. Do you know whether any of the papers of this ship show that there were twelve cases of jelly on board, or twelve cases of merchandise?—A. [Referring to manifest.] Thirteen cases of merchandise, marked S, which you have the papers there to cover. All the other merchandise on this manifest, with the exception of vanilla-beans, is bulk packages—sacks of coffee, bales of gum, bales of istle, and bales of straw hats.

Q. Do you know whether Mr. MacCarthy was in the cigar business last April?—A. I cannot say.

Q. Was he, to your knowledge?—A. I could not say.

Q. You can say whether you have any knowledge on the subject?—A. I do not really know what the man has been doing. I judge that he was, because that is his business; but to say that he was in the cigar business, I could not.

Q. In relation to the importation of these cigarettes, if in point of fact the boxes contained thirty-five instead of twenty-five cigarettes, no custom-house official would have any knowledge of that except the appraiser, or the men under him who packed them?—A. Just so.

Q. And your knowledge as to the contents depends entirely upon the records that are submitted to you?—A. Yes, sir.

Q. If there was collusion between the importer and appraiser, would it not be possible to put up cigarettes in cases of thirty-five, and mark them twenty-five, without detection in their passage through the custom-house?—A. Yes, sir.

Q. If there was collusion between the importer and appraiser, could not the cigarettes be passed through the custom-house without being counted at all?—A. They could; but they would be liable for seizure if caught; and there is a penalty of \$5,000 against the officer permitting it to be done.

Q. Then, in preparing these records for the purpose of explaining the testimony of Ferguson, which you say was your reason, all the information you have upon the subject of his testimony is derived from the records?—A. Just so.

Q. And the information you have given us is just what any person else inspecting papers in the same way could acquire?—A. Just so.

Q. Could a man employed in the capacity that Ferguson was, in the cigar-room, have opportunities of discovering any attempted frauds?—A. None other than I have described.

Q. What have you described?—A. In his capacity as laborer in that cigar-room.

Q. If there was an attempt being made to fraudulently pass cigars through the custom-house, for the purpose of avoiding payment of duties, could he not, in the position he occupied, have full opportunity of detecting and acquiring knowledge of it?—A. Of merchandise passing through his hands; yes, sir.

Q. If, then, there was a consignment of twelve cases of guava jelly, and only one contained guava jelly, and the whole twelve cases were sent to the room in which he was engaged, would he not have ample opportunity of discovering the contents of those boxes?—A. He ought to.

Q. And if the records of the department show that the entries and records were for twelve cases of jelly, and that they passed as twelve cases of jelly, could he not also have means of acquiring that knowledge?

The WITNESS. From the records?

Q. In any way; by reason of his contact with officials around there.—A. No, sir; except what takes place in the cigar-room, where he is in the act of handling merchandise.

Q. If he were told by an importer engaged in such practices, would it give him additional means of knowing; would it strengthen his belief that frauds were being perpetrated?—A. I suppose so; it all depends upon the man.

By Mr. NEW:

Q. Do I understand that there is any regulation in the custom-house by which a laborer, as, for instance, Mr. Ferguson in the inspector's department, would be absolutely prohibited from examining the records or files in that department for the purpose of confirming any suspicions that he might have that a fraud had been committed?—A. None but the regulation of the office.

Q. Is that regulation so strict and so inexorable that an employé like him would not be permitted in the office to look over any of the records or files of the office?—A. He would not be permitted except he had the order of the collector.

By the CHAIRMAN:

Q. What is your position?—A. Entry-clerk; and I hold a commission as deputy collector. I have held it from three former collectors.

Q. Are you brought into daily relationship or contact with the collector of the port?—A. Yes, sir; daily contact.

Q. Do you know how much time, within the past two years, the collector of the port has been present for duty?—A. I never kept any run of his presence or his absence.

Q. Could you ascertain from your office?—A. I could not.

Q. The fact that your official duties place you in daily contact with the collector gives you no means of ascertaining or knowing, by reference to your records of official papers, when the collector has been absent and when present?—A. No, sir.

Q. Is it a fact that, when an appraisement of goods is made, and thought, by a merchant or importer, to be excessive, he may, under the statute, demand a re-appraisement?

The WITNESS. In the valuation?

The CHAIRMAN. Yes.

A. Yes, sir.

Q. Who are the officers specially charged with that duty?—A. The local appraiser who reports the valuation to the collector; two merchants, selected with a view to their knowledge of the merchandise in question; and the general appraiser at this port.

Q. Do you know whether such instances have occurred and do occur?—A. Yes, sir.

Q. Are they of frequent occurrence?—A. They occur but seldom.

Q. Do you know what fees these merchants are allowed?—A. Five dollars a day.

Q. Do you know whether, in all instances, they have been paid that allowance?—A. Some have refused to take it; others did take it. In this instance, they refused to take it. It was handed back to the party paying it. In one instance, about two years ago, the five dollars in question was donated to a charitable institution.

Q. The Government has, in all instances, even when they refused to take it, been debited with the amount?—A. No, sir. This payment comes from the merchant who suffers the appraisement; it does not come from the Government. The merchant claiming a re-appraisement deposits \$10 to pay the amount allowed the merchant appraisers by law.

Q. And in all instances where the merchants have declined to receive the fees, what has become of them?—A. The merchant has to make this deposit, and he does not know the merchants who will be called in. The importer, under the law, is allowed to be present at the re-appraisement. Those merchants meeting the importer often refuse to take or hand back the money. In some instances it has happened in that way; in others, as I say, the merchants have kept their fee; and, in one instance, about two years ago, I remember the gentleman inclosing it and putting it in the post-office addressed to some charitable institution.

Q. In no instance, you are prepared to say, have the officers of the Government ever received these fees from those merchants?—A. No, sir. They received it, in the first instance, when the re-appraisement is made; but they are the simple custodians of it.

Q. I mean they have never received it as part payment of their services?—A. No, sir.

NEW ORLEANS, LA., June 15, 1876.

DAVID JACKSON sworn and examined.

By the CHAIRMAN:

Question. If you have any statement you desire to make you may do so.—Answer. I wish to make a statement in regard to the importation of a cargo of salt on the ship *Pericles*, on December 14, 1870, by Jackson & Anderson. Mr. Anderson, my partner, took the papers to Mr. Bonzano, the custom-house broker, who made the entry, as is customary. My partner paid the duties when notified by Mr. Bonzano, which was due upon the entry, and I knew nothing more about the matter for three or four days, when, figuring up the cost of the

salt afterward, I found that there must be some error. I looked over the matter, and I found that the error had occurred in making the entry at eighteen cents per one hundred pounds instead of twenty-four. The next morning I went to the custom-house and notified C. H. Merritt, auditor at that time, of the fact, and also Mr. W. H. Thompson, the disbursing-clerk. They requested me as a personal favor to make no fuss about it, and they said that when the liquidation was made the matter would be rectified, and it made no difference to any one, for the entry would all have to be gone over again, and it was a mere matter of deficit, and the bonds were perfectly good. They told me to let the matter be. They took the entry, made the required correction on the face of it, and it was liquidated in due course of time. I was notified and paid the difference. This thing occurred in December, 1870. I paid the excess on the 13th of January, 1871, I think, when it was liquidated. I notified Colonel Merritt either on the 22d or the 23d December, 1870, that the mistake had occurred.

Q. Were you the importer of this cargo of salt?—A. Jackson & Anderson were the importers of it.

Q. You were a member of that firm?—A. I was David Jackson, of the firm.

Q. Who made the entry?—A. W. H. Anderson.

Q. Do you know how it was made?—A. The papers were here before you this morning. It was made in the usual form.

Q. Do you know whether it was made as salt in bulk or salt in sacks?—A. It was made as salt in sacks.

Q. When did you first have a knowledge of the fact of the entry having been made as salt in sacks?—A. I knew at the time it was made as salt in sacks, though I never saw the entry.

Q. When did you first have a knowledge of the entry?—A. I knew it on the 14th of December, the date it was being entered.

Q. Did you pay the duty?—A. At that time I made the deposit for the entry. The difference was ascertained when it was liquidated afterward.

Q. You made the deposit according to the entry that was made?—A. Yes, sir.

Q. Did you discover then that the duty was less than you thought it ought to be?—A. No, sir; I did not discover it for three or four days afterward.

Q. And then you informed the officers of the Government of the mistake?—A. I informed C. H. Merritt, the auditor, the next morning, and also the excess and deposit clerk, of the mistake that had occurred.

Q. Did they correct it?—A. Mr. Merritt said it should be liquidated according to what was right, and that it was a mere clerical error, which made no difference at all.

Q. Was any investigation made of this irregularity?—A. Yes, sir.

Q. By Mr. Kinsella?—A. Yes, sir.

Q. Was your attention called to some entries in your cash-book made by your clerks?—A. Yes, sir.

Q. To certain entries of C. H. W. and C. H. I.?—A. Yes, sir.

Q. Did your clerk produce vouchers to you at any time for those entries?—A. No, sir; not to my knowledge.

Q. Why did not you require them from him?—A. I never thought it was necessary. I had every confidence in my clerk.

Q. Had you yourself made any mark opposite those entries on the book?—A. Sometimes that was done.

Q. What was that done for?—A. To show what my expenses were. I was attending to the outside business of the house, on the levee.

Q. What did you say in your testimony before Mr. Kinsella in explanation of those entries?—A. I told him I did not consider, in the first place, that it was any of his business, because it had nothing to do with the cargo on the ship *Pericles*, and it was a matter entirely private to myself; and I made the remark to him, "That is for carriage-hire to warehouses and other expenses." I did not at that time think he had any right to ask me any questions about those things.

Q. Have you any knowledge of any salt having been abandoned to the Government here, and sold by the proper authorities?—A. I think there was one case of that kind; I think I bought some salt at a Government sale; it was bulk salt.

Q. Do you remember how much you paid for it?—A. I do not, without going back to my books.

Q. Can you form any idea as to what it was bought for?—A. It was in the neighborhood of between 15 and 20 cents a bushel, I presume; it was cheap salt.

Q. How many bushels were there?—A. I do not recollect now; I can get you all the data about it.

By Mr. REILLY:

Q. What was the aggregate amount of these items C. H. W. and C. H. I.?—A. I never went over them.

Q. Did they aggregate \$3,600 or \$3,700?—A. I do not think they did; they may have done; it all depends upon where you go back to. I do not know whether we went back for one or two years.

Q. Was any portion of that money paid to employes out of the custom-house?—A. No, sir.

Q. Not a dollar of it?—A. There was sometimes, when they did not want to work any longer; I would rather pay them for extra hours. Nothing was paid in regard to any duties on salt.

Q. There were no improper payments?—A. No improper payments at all.

By the CHAIRMAN:

Q. Did you know Mr. A. Masich?—A. Yes, sir.

Q. What sort of a looking man is he?—A. He is a man a little taller than I am, and a good deal stouter.

Q. Is he a fair-complexioned man, or is he rather dark?—A. I should say that his hair is dark, but his face pretty fair.

Q. Does he wear a moustache and side whiskers?—A. I know him very well, but I really cannot describe him.

Q. Has he side whiskers?—A. I think he has little mutton-chop whiskers, as we call them.

Q. Have you any recollection of a Treasury agent visiting his establishment in search of certain boxes of cigars some time ago?—A. I remember one occasion, when one of my men brought me down word that some persons were up there overturning empty barrels and boxes, and that they were kicking up a muss generally. I went up-stairs and asked what authority they had, and they said they were hunting for cigars belonging to Mr. Masich. I told them he did not occupy that floor, but if they had proper authority they should go through the boxes. I think Mr. Hutchinson came back, and agreed to put everything back in the same way as it was before, and so they went ahead.

Q. Had you purchased any such boxes from Mr. Masich?—A. I had not myself, but one of my clerks had. My clerk purchases all the boxes.

Q. Had you purchased such boxes?—A. Yes, sir; because I had an order from Memphis to ship some boxes.

Q. What business was Masich in?—A. He was an importer of cigars.

Q. Were the boxes you purchased purchased from him?—A. We never purchased any such boxes from Mr. Masich. I thought that you asked simply if we had purchased such boxes.

Q. Have you had business transactions with Mr. Masich?—A. I have had him go on my bond in the custom-house, and I have gone on his.

Q. Is he still in the city?—A. I saw him a short time ago.

Q. Where is his store now?—A. At the corner of Camp and Common.

Q. Did you have any conversation with him about the time this search of his premises was made by the United States officers?—A. Nothing further than I have related that I can remember.

Q. Did I understand you to say that you gave notice to the officers of the Government of the irregularity in the entry?—A. I did, three or four days after it was made, and over eighteen days before the entry was liquidated.

Q. How long after the entry was made was it before the entry was liquidated?—A. The entry was made the 12th or the 14th of December, 1870, and it was liquidated from the 10th to the 13th of January, 1871. They were very busy in the custom-house and were delayed. I hurried them up to get the entry made right as soon as possible, and they said it would come in its due course.

Q. Was your attention ever called to that mistake by Mr. Kinsella?—A. He asked me about it, but I referred him right away to Colonel Merritt, and told him if he went there he would find out all about it.

Q. Why did he think it worth while to make an investigation?—A. I do not know; I suppose he thought there was something in it. He asked me if I would hand him my books. I told him he could have them with pleasure.

Q. You deposited the proper amount?—A. We deposited the amount that Bonzano sent us word to deposit; but his clerk had made a mistake in carrying out the entry at 18 cents per 100 pounds, instead of 24 cents per 100 pounds.

Q. You deposited at the rate of 18 cents per 100 pounds?—A. Yes, sir.

Q. When did you make up the deficiency?—A. When the entry was liquidated, and we received notice from the custom-house that we were in deficit so much.

Q. And not before?—A. No, sir.

Q. Why did not you, when you discovered this error, make a deposit at the rate of 24 cents per 100 pounds?—A. How could I? Who could receive it?

Q. Could it not be received by the party who received the original amount?—A. No, sir.

Q. Could not the error have been corrected immediately?—A. The papers had gone through three or four days before.

Q. Could it not have been corrected by the clerk who made the original entry?—A. No, sir, it could not without making out all the papers over again.

Q. What papers?—A. The papers for the whole entry, and getting out a second permit.

Q. But the error was not found in these other papers, but only in the entry?—A. The error was found in the very first papers we took out; the error was made in the entry.

Q. Did you ever get notice from any officer or anybody connected with the custom-house of the mistake?—A. Yes, sir; I got notice from Mr. Crawford, I think, about the 9th of January following, and I took his notice to General Merritt, and I asked him what it meant. General Merritt went to Mr. Crawford, and had an explanation; and Mr. Crawford explained to me how the matter had come up, and I asked Mr. Merritt then if I could pay the duty; and he said, "No; you cannot pay any duty until the matter is liquidated."

Q. Are you still in the salt business?—A. I am, sir.

Q. You came voluntarily to make this statement?—A. Yes, sir; I saw an error in Mr. Anderson's statement to the effect that he and I had occasion to see Colonel Casey about this matter. I never went to see him in my life.

[The witness subsequently submitted an invoice for the salt condemned by the Government, which he had purchased. The invoice is: "David Jackson, to Neville and Van Solinger, Dr., auctioneers, for 428 tons of salt, at \$5.50 per ton."]

Witness stated also that salt of this description had to stay in the Government warehouses three years on special bond.]

NEW ORLEANS, LA., June 15, 1876.

GUSTAVE DREWES sworn and examined.

By Mr. WHITAKER:

Question. Where do you reside?—Answer. I reside at 201½ South Rampart street.

Q. What is your business?—A. Confectioner.

Q. Did you ever know G. W. Ferguson, who was lately in the custom-house at New Orleans?—A. I did know him.

Q. How long back was it?—A. I have know him since 1862.

Q. What was he doing then?—A. He was a police-officer at that time.

Q. You have stated to the chairman of this committee that you knew an instance where he perjured himself when he was on the police in 1862. State what that instance was.

Mr. STEVENSON objected to this line of examination.

The CHAIRMAN sustained the objection.

NEW ORLEANS, LA., June 15, 1876.

JOHN M. DAVIS sworn and examined.

By Mr. WHITAKER:

Question. State your place of residence and occupation.—Answer. I am an inspector of cigars at the port of New Orleans, and I reside at 305 Eighth street.

Q. How long have you been engaged as an inspector of cigars at the custom-house?—A. Somewhat over six years.

Q. Where do you do your work as inspector of cigars?—A. I do it in the custom-house.

Q. What is the name by which the apartment is generally known where you work?—A. The cigar department.

Q. Who is your principal officer?—A. Mr. Casey.

Q. The collector of the port?—A. Yes, sir.

Q. You have had many importations of cigarettes to examine during that time?—A. Yes, sir.

Q. As compared with the consumption of cigarettes in New Orleans, is the amount of importation large or small?—A. It is very small—hardly any.

Q. And yet that mode of using tobacco is common in New Orleans, is it not?—A. Yes, sir; but most people make their own cigarettes by buying tobacco and paper.

Q. Is it not the fact that there is a very large importation here annually of cigarette-paper, or does not that come through your hands?—A. I have never seen any.

Q. But you know the custom of everybody making his own cigarettes for himself?—A. Yes, sir; you see that everywhere.

Q. Do you remember the reception and examination of a case of cigarettes of some 20,000 packs in bulk in your department any time within the last year or two, or three years?—A. No, sir.

Q. Do you remember Mr. Masich's having imported any 20,000 cigarettes in bulk, and having passed them through the custom-house during the term of your service?—A. No, sir.

Q. What is the nature of your duty with reference to cigarettes?—A. My duty is to see them properly stamped.

Q. How do they come back?—A. Now they come back in boxes; formerly they used to come in bulk, and I had to pack them myself, but for the last three years, I think it is, they have come in boxes.

Q. How many to the box?—A. There are five hundred cigarettes to a box; sometimes twenty packs, sometimes twenty-five packs.

Q. Then the number of cigarettes in the pack varies?—A. Yes, sir.

Q. Have you known them to vary to any extent?—A. Yes, sir.

Q. State how much they vary.—A. They vary from twelve to twenty-seven or twenty-eight in the pack.

Q. But the box is supposed to contain five hundred cigarettes without regard to the number of packs in it?—A. Yes, sir.

Q. Do you know anything about cigar-boxes having been apparently cut down when they were brought into the cigar-room?—A. No, sir.

Q. Do you remember any importation of Mr. Masich in reference to which the question of their having been cut down was raised?—A. No, sir; I merely saw that in the newspaper; that is the first I heard of it.

Q. When cigars come to this port, and are taken from the vessel, what disposition is first made of them?—A. They generally go to No. 1 warehouse.

Q. Where is No. 1?—A. It is in the custom-house.

Q. Then what is your duty with reference to it?—A. They are then transferred to me, and I then notify the merchant to come to my room and see his cigars opened; I do not open them till he is there.

Q. You mean till the importer is there?—A. Yes, sir.

Q. When you open them, what do you do?—A. I then take them out and let the merchant count them himself, to see if there is anything missing.

Q. What is your next step?—A. The next step is to get the stamps, and to see if the cigar-boxes are properly stamped.

Q. How many stamps do you put on each box?—A. I put two on each box, one customs-stamp and one revenue-stamp.

Q. How do you obtain this stamp?—A. I obtain them by a requisition up-stairs.

Q. To whom is that requisition addressed?—A. It is addressed to Colonel Casey.

Q. By whom is it signed?—A. It is signed by me first, then by the appraiser, then by the deputy collector, and then it is taken to the man who has charge of these stamps, and he delivers them to me.

Q. That is done in every case?—A. In every case.

Q. What do these stamps show?—A. They show the amount of cigars in the box.

Q. What duty do cigars pay?—A. I think it is \$2.50 a pound, 25 per cent. ad valorem, and \$6 a thousand internal-revenue tax.

Q. Have you had occasion to notice the nails that are used in fastening cigar-cases to see if they are of American or foreign manufacture, in those cases that came from Havana?—A. Ninety-nine cases out of a hundred have American nails.

Q. Are they wrought or cut nails?—A. They are the ordinary nails.

Q. When cigars are exported from bond here, what do you do with reference to the stamp?—A. I put the word "exported" on it on every box.

Q. Have you ever received while you have been here any cigars from Havana having upon them the "exported" cigar-stamp?—A. Not that I know of—in no case.

Q. Do you remember in March, 1875, two importations by the Juniata made by Mr. McCarty, one of 72,000, and the other of 73,000 cigars?—A. Yes, sir; I stamped them.

Q. Did those cigars then imported have the "exported" stamp on them to show that they paid duty?—A. They came in in the regular way, paid the duty, and went out.

Q. How many cigars has Mr. McCarty had at any one time in the cigar room?—A. They have had sometimes two or three hundred thousand.

Q. Sometimes cigars remain in the cigar-room sometime?—A. Yes, sir.

Q. The number of cigars, then, that is in the cigar-room belonging to any one importer does not indicate precisely the amount of his importations for a given period?—A. No, sir.

Q. Sometimes the cigars stay there a longer or a shorter period?—A. Yes, sir.

Q. Did you ever know a box or a case of cigars containing as many as 30,000?—A. No, sir.

Q. It was testified by Mr. Ferguson that in the cigars seized in the Bailey vinegar-factory, there was one case of 38,000 cigars that escaped seizure?—A. It was too big to be seized; it ought to escape seizure.

Q. What is the difficulty of having that number of cigars in a case?—A. The case would fall to pieces.

Q. Why?—A. On account of the weight; in handling it, it would break.

Q. Cigars are elastic, are they not?—A. Yes, sir.

Q. A light load?—A. Yes, sir.

Q. It would be impossible to make a case to hold 38,000 cigars?—A. Yes, sir.

Q. How large would such a case have to be?—A. About half as big as this room.

Q. And it would be impossible to handle it?—A. You could not do it.

Q. At all events, you have never seen a case of that kind?—A. No, sir; I do not believe they could get a case of that kind in the ship.

Q. Do you remember of there ever having been any errors made in the sending of goods to the cigar-room?—A. Yes, sir; frequently.

Q. What goods are packed in such a way as to resemble cigars in outward appearance?—A. I have had shirts in that room; I have had kid gloves; I have had guava jelly, and several other things.

Q. When, on opening a case, you find that the goods are not cigars or cigarettes, what do you do?—A. I notify the proper officer, and they are transferred to the room where they belong.

Q. Who is that proper officer?—A. Mr. McClellan, the store-keeper.

Q. Have you not sometimes allowed examination of such goods to be made by the appraiser while they are in the cigar-room?—A. He has that right.

Q. Has he not done so in some instances?—A. He has.

Q. Do you and your subordinate employes remain in the cigar-room while such examination is going on?—A. No, sir; I do not allow them to remain there if any other party is inspecting the goods.

Q. Why not?—A. Because if anything was lost they would lay it on to my men.

Q. Do you remember an occasion when some twelve cases of guava jelly were sent into the cigar-room as cigars?—A. I recollect something of that kind, but I do not remember the number of cases.

Q. You say that the cases in which guava jelly is packed resemble, exteriorly, cigar-boxes?—A. It is the same thing exactly; there is no difference.

Q. But on this occasion, when this lot of guava jelly came into your place, did you notify the appraiser?—A. No, sir; I did not notify him, for I did not know anything about them.

Q. When they were opened were you there?—A. Yes, sir; I was there.

Q. How many cases did you see opened?—A. I did not see any of the cases opened; I was at my desk.

Q. But they were opened?—A. They were opened by the appraiser.

Q. Your desk is not directly in the cigar-room, is it?—A. No, sir; it is outside.

Q. You did not see the jelly at all yourself?—A. I saw jelly come out of the room.

Q. You did not attend to the opening of the cases?—A. No, sir.

Q. And your men did not?—A. No, sir.

Q. Who were your men at that time?—A. One of them is named Paul Dunbar, and the other is Joe Grinnell.

Q. Grinnell is dead now, is he not?—A. Yes, sir.

Q. Ferguson was not employed under you?—A. No, sir.

Q. Was not Ferguson employed by you formerly?—A. He was employed to work in the cigar-room; he was a laborer there.

Q. When did Ferguson commence to work there, if you remember?—A. I think he has been in the custom-house three years and four months.

Q. When did he leave?—A. He left my room on the 12th of April.

Q. Did he obtain leave of absence, to your knowledge?—A. No, sir.

Q. Did you send for him?—A. After he had been away three or four days, I sent down to his house to find out how he was. I heard he was sick.

Q. What did you ascertain?—A. The young man who went to his house was told that he was very sick, and the doctor had ordered that no one should see him. I sent again in a few days after that, and about the same report came back. A young man that worked in the same room then went to the store where Ferguson's brother works, who said that his brother was getting better and would be well in a few days. He asked Ferguson's brother what the matter was, and he said Ferguson had the small-pox.

Q. Did you know where Ferguson was at that time?—A. No, sir; I do not. I thought he was there at his house sick.

Q. Have you since ascertained where he was?—A. Yes, sir.

Q. Where was he, to the best of your knowledge?—A. He was in New York.

Q. Did Ferguson before going away say anything about his wife having the small-pox?—A. No, sir; not to me. He went away without saying anything.

Q. You had nothing to do with the cigars that were taken from the vinegar factory?—A. I had to stamp them when they were sold.

Q. Did you examine each of the boxes of cigars?—A. They all passed through my hands.

Q. Did any of those boxes have stamps upon them when you examined them in the warehouse?—A. No, sir; none.

Q. You did not have the custody of those cigars?—A. I did when they were transferred to me.

Q. They were afterward sold by the Government?—A. They were sold by the Government, and then transferred to me to stamp them after the sale.

Q. For the purpose of the sale, you had nothing to do with the sampling of the cigars?—A. I had to sample them all.

Q. Did the marshal take any considerable quantity of cigars as samples for that sale?—

A. I cannot tell you. There must have been some. They cannot sell cigars unless they do that to every fellow that wants to smoke.

Q. Were you present at the sale?—A. No, sir.

Q. Do you consider that there was a large amount of samples taken?—A. Yse, sir.

Q. Were there many different brands?—A. Yes, sir; and the best kind of cigars.

Q. How do importations of cigars now compare with the amount of those under Mr. Fuller's administration?—A. I believe I beat him some fifteen or twenty millions in six years.

Q. The importations are heavier now than they were?—A. They are not just now; they are falling off.

Q. But generally they have been larger than in Mr. Fuller's time?—A. Yes, sir; for the four years before I came into the cigar room, there were only four millions of cigars imported, and in my time there have been twenty-two millions.

Q. Mr. Ferguson has testified in regard to these twelve cases, purporting to be guavajelly, that they were in the cigar-room, and that without any one being in his company he pried open several of the cases and ascertained that they contained cigars; was it possible for him to do that alone, or did he have any opportunity as a laborer to have any access alone to that room?—A. I do not know how he could get into the room after we all left.

Q. After the usual hours it would be impossible for him to enter the room?—A. Yes, sir; he could not enter the room at all.

Q. Could he have done that work without the other employés in the cigar-room, and the rooms in the neighborhood, knowing it, during the ordinary business-hours?—A. No, sir; he could not do it.

Q. Do you know of his ever having made such an investigation?—A. No, sir.

Q. You think it is impossible that he should have made such an examination?—A. He could not have done it.

Q. Did you ever hear Mr. Ferguson make use of any threatening language toward Mr. Herwig or the officers of the custom-house at any time? And, if so, state when and what it was.—A. He generally had the impression that everybody was doing something they ought not to do.

Q. Did you ever hear him make use of any threat against them, or intimate what he would do of a character that would be unpleasant to them?—A. He told me he had power to put them in prison.

Q. Did he ever send you any message with reference to anything of the kind?—A. Yes, sir; I received a letter from New York.

Q. What is the date of that letter?—A. April 27.

Q. How long is that after he had left?—A. He left on the 12th.

Q. What did he say in that letter?—A. I have got the letter from him at home; I know the purport of it.

Q. Against whom was the threat made, if there was a threat in it?—A. The custom-house people.

Q. In that did he make any reference to this committee?—A. Yes, sir.

Q. Will you bring that letter here?—A. I will; yes, sir.

Q. Were there any names mentioned in that letter?—A. Yes, sir.

Q. What names were mentioned?—A. One was Mr. Darrall and the other was Mr. Wilson.

By Mr. VANCE:

Q. Were these threats made by Mr. Ferguson of a personal nature, and showing a personal vindictiveness on his part against the parties named?—A. The tone of the letter was in that way.

Q. Were the threats to the effect that he could send them to the penitentiary for public acts of theirs?—A. Yes, sir.

By Mr. REILLY:

Q. How many were employed in the same room with Ferguson?—A. There were three altogether.

Q. Who were they?—A. Ferguson, Long, and a man by the name of Barrett.

Q. Did you have your office in that same room?—A. There is a separation by a partition.

Q. The entrance was the same?—A. Yes, sir.

Q. Who carried the key?—A. I sometimes carried it, and sometimes Mr. Ferguson.

Q. Who carried it the greater portion of the time, you or Mr. Ferguson?—A. Both of us together—that is, the key of the private door; the key of the outside door, where I put a padlock on, I kept in my desk.

Q. Who had the key the greater portion of the time?—A. Ferguson, I suppose.

Q. Did not you expect Ferguson to be there in the morning before you, and to have the door open, and things in order?—A. No, sir.

Q. Was he accustomed to do that?—A. Very seldom.

Q. He had the means of access, then, to that room when he carried the key?—A. Yes, sir; when he carried the key.

Q. Why, then, do you say it was impossible for him to have examined those cases?—A. Because those cases when they came into the room went out the same day.

Q. How long were they there?—A. Probably eight or nine hours, or perhaps six or seven hours.

Q. Were you there all the time when the cases were there?—A. Yes, sir.

Q. From the time they came in until they went out?—A. I think so.

Q. Are you certain about it?—A. No, sir; I am not certain.

Q. Where were the two other men during that time?—A. They were around there.

Q. Are you certain that they were there all the time?—A. I am pretty sure of it, yes.

Q. When was it that these twelve cases were sent there, or about what time?—A. It must be over a year ago.

Q. Can you remember what month it was in?—A. No, sir; I do not.

Q. Do you mean that these are the twelve cases that are said to have contained guava-jelly?—A. I do not know whether there were twelve cases; they were the cases of guava-jelly.

Q. Do you know whether one of the cases contained guava-jelly?—A. I saw some guava-jelly come out of the room.

Q. Do you know what was in the other eleven cases?—A. No, sir; I did not see them opened.

Q. Do you know whether the twelve cases were entered as guava-jelly?—A. Yes, sir; they were.

Q. How were they sent to your room, then?—A. Through a mistake.

Q. What was the occasion of the mistake?—A. They looked like cigars.

Q. Had there been a permit issued to have those cases sent to warehouse No. 6?—A. That I do not know.

Q. Did you hear that there was such a permit issued?—A. No, sir.

Q. Did Mr. Herwig come into your room about those twelve cases?—A. No, sir.

Q. Did any of the custom-house officials come there about them?—A. No, sir.

Q. How did they come to be taken out the same day?—A. I do not know; they were taken out by a permit.

Q. Where did they come from?—A. That I do not know.

Q. Did they come from the vessel?—A. I do not know.

Q. You have no knowledge about the invoice, or whether there was a permit issued to have those cases taken to warehouse No. 6?—A. No, sir.

Q. Why did you not make an examination?—A. Because I had no authority to do so.

Q. What authority is necessary?—A. The authority is that when they are cigars, the notice is sent to me in a printed form that so many cigars are sent to me.

Q. Who brought those cases there?—A. That I do not know.

Q. And you do not know how they came in?—A. They came in through the outside door.

Q. Who took them away?—A. That I do not know; some draymen.

Q. You have charge of that room?—A. Yes, sir; I have charge of that room.

Q. Are not the permits for all goods taken out of that room directed to you?—A. No, sir.

Q. Can any goods go out of that room except through you?—A. Yes, sir; certainly.

Q. Through whom do they go?—A. By the man who brings the permit.

Q. Is not the permit brought to you?—A. No, sir; I have nothing at all to do with the permit.

Q. Whom does the party bring the permit to?—A. He brings it to the store-keeper, and the store-keeper is the man who receives the case, and he is also the man who delivers the case.

Q. Then there is a store-keeper who has charge of the cigar-room?—A. He has charge of the appraiser's store.

Q. I am speaking of the cigar-room.—A. That is the same thing.

Q. Then he receipts for the custody of all that is in there?—A. Yes, sir.

Q. And your duties are simply to examine, and count, and stamp the cigars?—A. Yes, sir.

Q. How did you come to see that one of these cases had jelly in it?—A. One of the men came out of the room with half a dozen boxes under his arm.

Q. Have you any means of information as to the contents of the other eleven cases?—A. I know nothing about them.

Q. If those twelve cases were invoiced as guava-jelly, while, in point of fact, eleven out of the twelve cases contained cigars, would you have detected it?—A. I think I should.

Q. Why did not you make an examination of these cases?—A. I have just told you why. I did not have the authority to do so.

Q. These cases were sent to your room through mistake, you say?—A. Yes, sir.

Q. What occasioned the mistake?—A. I have no idea.

Q. Did these boxes or cases have the appearance of cases such as cigars are generally imported in?—A. Cases of guava-jelly and cigars are all alike; there is no difference.

Q. They are corded and sealed in the same manner?—A. Yes, sir.

Q. And they are about the same size?—A. Yes, sir.

Q. Have you ever had a case of guava-jelly in that room before?—A. Yes, sir.

Q. When was that?—A. I do not know exactly when. I have had three or four cases of guava-jelly there at different times.

Q. Were there other cases with them on those occasions?—A. No, sir.

Q. There was only one case each time?—A. Yes; one or two cases.

Q. When these one or two cases would come, would they be alone or would there be a number of cases with them, as in the case of these twelve cases?—A. They would be alone; sent there simply through a mistake.

Q. You made no examination at all of these eleven cases in point?—A. No, sir. I never examine cases until I get authority to do so.

Q. And you do not know where they went to from your cigar-room?—A. No, sir.

Q. Do you remember how any of these cases were marked?—A. No, sir; I do not.

Q. Do you remember whom they were consigned to?—A. No, sir.

Q. Do you remember any mark of any kind that was on them?—A. No, sir.

Q. If these eleven cases, in point of fact, did contain cigars, could they have been passed through the custom-house as guava-jelly after they left your room that day?—A. That would be very doubtful.

Q. Why?—A. Because there are too many people around there who would see it.

Q. Tell us how you can detect them.—A. The cigar-room is the worst place in Louisiana for a fraud to be committed in.

Q. You did not examine these eleven cases?—A. No, sir.

Q. They were in your cigar-room seven or eight hours?—A. Yes, sir.

Q. You received no instructions in this case to examine them?—A. No, sir.

Q. One case was examined, and that contained guava-jelly?—A. I do not know how many cases were examined.

Q. I understood you to say that you saw guava-jelly come out of one case?—A. I told you I saw guava-jelly come out of the room under a man's arm.

Q. After some examination had been made of those cases, they were taken out of that same room again?—A. Yes, sir.

Q. And, in point of fact, you never examined these to tell whether they had cigars in them or not?—A. No, sir.

Q. You have never seen them since.—A. No, sir.

Q. And you do not know whom they were delivered to?—A. No, sir.

Q. Or whom they were consigned to?—A. No, sir.

Q. Or what duty was paid on them?—A. No, sir; I know nothing about them.

Q. If Mr. Ferguson says he did make an examination of those eleven cases, and that they did contain cigars, you have no such personal knowledge of the transaction as would enable you to say that he is not telling the truth?—A. No, sir.

Q. And you do not pretend to say that he is not telling the truth if he makes that statement?—A. No, sir; I do not know anything about it.

Q. I believe you have stated that you never saw any cigarette-paper pass through your room?—A. I do not think I ever have.

Q. And you have been there six years?—A. I have been there over six years.

Q. Have you any knowledge of the importation of eleven or twelve cases marked as merchandise, but which contained cigars, cigarettes, and cigarette-paper, or do you know that there is upon the records of the custom-house invoices and an entry for such a transaction?—A. No, sir; I do not.

Q. Or that in the same cases cigars, cigarette-paper, and cigarettes were imported?—A. No, sir; I never saw it.

Q. If any cases had been imported containing cigarette-paper and cigarettes, together with cigars, and if it went through regularly, it would have had to come under your observation?—A. No, sir; not the paper.

Q. If the same case contained cigarette-paper, cigarettes and cigars, it would?—A. Yes, I would know it then.

Q. And if they went through regularly, they would come under your observation?—A. Yes, sir.

Q. But you say you have never seen such cases?—A. No, sir; not to my knowledge.

Q. You have no remembrance of an importation of twelve large cases marked merchandise, the invoices of which set forth that they contained cigars, cigarettes, and cigarette-paper, and the entry for which upon the records of the custom-house now shows that that is what they did contain?—A. No, sir; I do not recollect it.

Q. Are you familiar with the general routine of business in the custom-house, or only with your particular branch of it?—A. Only with my department of it.

Q. Suppose that there was an importation of twelve cases marked as guava jelly, and that the invoices were made out in that way, and that they were passed through the custom-house as guava jelly, but that in point of fact they contained cigars, would your duties afford you any particular opportunity of detecting it?—A. No, sir.

Q. You would not know anything about it unless they were sent to your room as cigars?—A. Yes, sir; that is all.

Q. If they were sent there as guava jelly, you would not examine them?—A. I would have nothing to do with them.

Q. Who made the examination of the twelve cases at the time that you saw the man coming out with half a dozen jars of jelly under his arm?—A. I think it was Mr. Ingalls.

Q. Was there anybody in company with him?—A. There were the two workmen that he had with him.

Q. Do you know why Mr. Ingalls made that examination?—A. Because that was his duty.

Q. Did he say anything to you about the transaction in reference to what the cases were?—A. No, sir.

Q. Do you know, in point of fact, whether he reported those twelve cases as guava jelly, or as cigars, or anything else?—A. No, sir; I do not.

By Mr. WOODBURN:

Q. What number of hours per day do your laboring men work in that department?—A. They work from nine to three.

Q. You have stated that Mr. Ferguson had a key by which he could get access to the cigar-room after it was closed?—A. Yes, sir.

Q. Could he have gotten into that cigar-room without the consent of the storekeeper?—A. No, sir.

Q. Just explain to the committee why he could not get into the cigar-room without the assistance of the storekeeper.—A. Because the storekeeper would not allow him to get into the room.

Q. Was not there an outer as well as an inner door?—A. Yes, sir.

Q. Did he have a key to both doors or only to one?—A. Only to one.

Q. Which was that?—A. The inner door.

Q. Who had the key to the outer door?—A. I had it.

Q. Then if he had the key to the inner door, after 3 o'clock, he could not have got in without going through the outer door, of which you had the key?—A. Yes, sir; that is all.

By Mr. WHITAKER:

Q. Did you send Dunbar and Grinnell off that day, telling them that there would be no work for them?—A. No, sir.

Q. If you had given them an order like that would you have remembered it?—A. Yes, sir; I never gave them such an order.

By Mr. CONGER:

Q. Are these boxes of cigars or of jelly, when they are sent to your department, sealed in any way?—A. Sometimes they are corded and sealed and sometimes they are not.

Q. If they are corded and sealed, how are they corded and sealed?—A. They are corded and sealed in Havana with a cord or rope, and the seal is a piece of tin, so that it cannot be opened without cutting those ropes.

Q. How large a rope is it?—A. Sometimes it is a good-sized rope.

Q. How is it put around the box?—A. It is put one way and then it is crossed another way.

Q. Is it drawn tight?—A. Yes, sir.

Q. If these boxes were corded and sealed could any person have opened them, so as to take out a box of cigars, without breaking the seal or removing the cord?—A. No, sir; they cannot do it; the rope or the seal would be broken.

Q. If Mr. Ferguson or any other person says that he opened the under side of that box and took out boxes of cigars, could that have been done if they were corded and sealed?—A. No, sir; not without breaking the rope or the seal.

By Mr. WOODBURN:

Q. State whether boxes thus corded and sealed, such as generally come to the custom-house, could have been opened on either side and the cigar-boxes reached so as to take out cigars without breaking the cords and seals?—A. No, sir, it could not have been done; the cord and seal are put on for the purpose of preventing it.

Q. Have you any knowledge of any cords or seals upon those boxes being broken?—A. No, sir.

Q. Could that have been the case in your department without exciting attention?—A. No, sir; it would have shown right off.

By Mr. REILLY:

Q. Did you ever see the cigars that were seized at the vinegar-factory before they were brought to your room?—A. No, sir.

Q. There were no marks of identity or anything on the brand to show that?—A. No, sir.

Q. Do you remember any importation of the same brand of cigars that they were at about that time?—A. They were the Excepcion brand, and the Corona brand, and some other brand.

Q. Do you remember any importation of those particular brands?—A. Every day we get them.

Q. Whom did you see come out of this room where the twelve cases were with the jars of jelly?—A. It was one of the men that were working in the appraiser's room.

Q. Was it Mr. Ferguson?—A. No, sir; he was not in the room; he was sitting at my desk.

Q. Was he about there at the time this examination was being made?—A. He was there all the time.

Q. Can you say he was not in the room when those twelve cases were there?—A. I think he was not.

Q. Can you swear to the fact?—A. No, sir; I cannot swear to that.

Q. Had he means of access to that room?—A. He had the key of the inner door, but he had no other means of access to that room.

Q. What time did you leave the cigar-room that day?—A. I left at three o'clock.

Q. What time did these twelve cases come there?—A. They must have come there early in the morning—about nine o'clock.

Q. Were they there when you went to your duty?—A. They came in while I was there.

Q. Was that before or after nine o'clock?—A. I got there at nine.

Q. Then it was some time after nine that they came?—A. They came just about the time I got there, and they went away before three o'clock.

Q. Are you positive about that?—A. I am pretty positive.

Q. Will you swear to that as a fact?—A. No, sir.

Q. Will you swear that they did not remain in that room until the next morning?—A. I do not think they did.

Q. Have you any distinct recollection upon that subject?—A. No, sir; it is so long ago I do not recollect it.

Q. Then you are not prepared to say or swear now as a matter of fact that those twelve cases did not remain there all that night and until the next morning?—A. I could not swear to it; I do not recollect; I am under the impression that they went out before three o'clock.

Q. Explain particularly how it is that at one time you say Mr. Ferguson has access to this room, and at another time that he would not have?—A. During the hours from nine until three he would have the key, and he could go into the room; after that hour the storekeeper would not allow him to go into that room.

Q. Suppose the storekeeper was not there?—A. Then the supposition is that somebody else would be there; that room is never left alone, except at night.

Q. Suppose the storekeeper permitted him to go in, he could go in then?—A. Yes, sir.

Q. Or suppose the storekeeper was not there, what then?—A. If the storekeeper was not there, and nobody was there to stop him he could go in. There is no security about the door inside from the fact that it has one of those common locks, and any one could take a knife and turn the screw, and go into the room.

Q. Was there no means of getting to the door to which Ferguson had the key than by this outer door to which you have referred?—A. That was the only way.

Q. And you invariably kept the key to the outer door?—A. I kept that key locked in my desk; it is a padlock-key.

Q. Where do you keep your desk?—A. I keep my desk in the appraiser's store-room; and there is a partition that runs across that separates the cigar-room from the store-room; there is a little door that goes into the cigar-room.

Q. Have you ever gone there in the morning and found the cigar-room opened?—A. Not to my knowledge.

Q. Be positive as to whether you have ever gone there in the morning and found Ferguson there, and the other employes in the room at work there?—A. I may have done it.

Q. Do not you know that you have done it repeatedly?—A. No, sir.

Q. Does it not occur every day of your life?—A. No, sir.

Q. Did not it occur this morning?—A. I opened the door this morning.

Q. Did you open it yesterday morning?—A. I think I did.

Q. Are you sure about it?—A. No, sir.

Q. How did it get open, then?—A. There is nothing in the room to prevent it.

Q. How is that?—A. It may remain all night unlocked.

Q. Could it have remained unlocked in that way a year ago?—A. No, sir; not with anything in the room.

Q. Is there nothing in the room—no merchandise and no valuables of any kind?—A. No, sir.

Q. Were there any goods there yesterday?—A. No, sir; yesterday morning I sent two cases to the warehouse.

Q. And after they went out, you left the room unlocked last night?—A. I do not say I left it unlocked; but it might have been left unlocked.

Q. State as a matter of fact whether it was not the custom of Ferguson, when he worked in that room, to be the first man to come there every morning and to have that room opened.—A. Not always.

Q. Did he do it any time?—A. Yes, sir.

Q. Did he do it frequently?—A. No, sir.

Q. Did he do it more than once?—A. Yes, sir.

Q. Did he do it more than a dozen times?—A. No, sir; I do not think he did.

Q. How did he do it when he did it these dozen times?—A. He got there before me.

Q. If you had the key locked up in your desk, how could he get in?—A. He could not get in that way; he would go into the appraiser's store, and go in through the little side-door.

Q. Could not he have come in that way at the time those twelve cases were there?—A. Certainly, he could.

Q. What was Mr. Ingall's position at the time he was in your room making the examination of these twelve cases?—A. He was acting then as appraiser.

Q. Was he not the examiner?—A. Examiner and appraiser both.

Q. Who were with him?—A. Those two men that worked with him.

Q. What are their names?—A. I think one of them is named Washington, and the other is James Morrison.

Q. You cannot remember the man with whom you saw the cases of jelly?—A. No, sir; I think it was a man by the name of Washington; he was one or the other of those two men.

Q. You are certain that Ferguson was sitting at your desk all the time?—A. Yes, sir.

Q. He was not away from the custom-house that day?—A. Not to my knowledge; no, sir.

Q. Did you see him go away that day first?—A. I went away at three; we all went at three.

Q. Did he go with you?—A. Yes, sir.

Q. You are positive of that?—A. Yes, sir; I think I would swear that we went away together.

Q. You were in the habit of going away all together at three o'clock?—A. Yes, sir.

Q. Do you and Ferguson live in the same part of the city?—A. No, sir.

Q. How far apart?—A. Mr. Ferguson would walk about two or two and a half blocks with me, and then we would part; he would go in one direction and I in another.

Q. Suppose we take it for granted that Ferguson did get into that room, what difficulty was there in prying open one of those cases?—A. He would have to break the cord and seal.

Q. How is this cord and seal fixed?—A. In this way, [illustrating with an ordinary cigar-box.]

Q. Give us the dimensions of one of these cases in feet or yards.—A. I should judge those cases would hold 4,000 cigars.

Q. Were they half as long as this table?—A. No, sir; they are about one foot high and three or four feet wide.

Q. Were their sides all made of one piece of timber, or of different boards put together?—A. They are the regularly-made cases.

Q. Are there any crevices where the boards come together?—A. Not that I know of.

Q. Are there ever any cracks in boxes that contain cigars?—A. I do not think I ever have seen them. There is always paper at the bottom, so that you could not tell what was in them if there were.

Q. Are the cigar-boxes in them all of the same size?—A. No, sir.

Q. Is a box made to contain fifty cigars as large as a box to contain a hundred cigars?—A. No, sir.

Q. Are these cases so small that a single cigar-box could not be taken out in the vacant space between the cords?—A. By prying up the side of the box, you would break the cords.

Q. Could not you pry it up for six inches without breaking the cord?—A. No, sir. Of course, you can take and break the case open.

Q. Why cannot you pry open the case without breaking the cord?—A. Because it is so tight that you could not do it.

Q. Would the wood split before you pried it up that far?—A. It might split.

Q. If there was a piece broken in that case as large as a cigar-box, could not you get out a cigar-box without breaking the cord?—A. Yes, sir.

Q. If it was pried open, is not it possible to loosen the nails for a space sufficient to take out a cigar-box without breaking this cord?—A. I do not think you could.

Q. What kind of material is this made of?—A. I think it is manila rope.

Q. How thick is it?—A. About an inch thick.

Q. Would it not require considerable pressure to break them?—A. Yes, sir; it would.

Q. Would not the lumber of that box be very apt to break before the cord would break?—A. Yes, sir; but it would show.

Q. Can you go down there to-day and pry open a case, and take a cigar-box out without disturbing the cord?—A. No, sir; I cannot.

Q. You say you cannot do it?—A. No, sir; I cannot do it.

By Mr. CONGER:

Q. What would be the length of space from the rope to the edge, where you attempted to pry open the board?—A. That would depend upon the size of the case.

Q. But I mean with regard to the twelve cases you have described.—A. There might be a foot—about a foot.

Q. These cases are made of stout boards?—A. Yes, sir; large inch plank.

Q. Plain or dressed?—A. Sometimes they are dressed and sometimes not.

Q. If a board was pried off sufficiently to get out a cigar-box, how large a space would have to be opened?—A. You would have to open a place about seven or eight inches.

Q. And that would raise the board to the length of the rope at that place unless the board bent?—A. Yes, sir.

By Mr. REILLY:

Q. Have you never heard complaints by importers that cigars had been stolen or were missing during the journey on board of the vessel?—A. Yes, sir.

Q. How would they get them open?—A. They would burst the case.

Q. Then it can be done?—A. Yes, sir; but they break the case.

Q. It can be done?—A. You can take a case and break it open.

Q. Has it ever come within your experience, while you have been a cigar-inspector of this port for the last six years, that a cargo of cigars came in which the importer claimed was short?—A. Yes, sir.

Q. And when there was no evidence of violence on the box?—A. There was evidence of violence inside.

Q. Was there any evidence of violence outside?—A. There was no evidence outside.

Q. Then a box of cigars could be taken out without disturbing the cords and seals?—A. These cigars were never put in; they were stolen in Havana. I have had cases, corded and sealed, come to my room, and I have had the merchant there to witness the opening of the cases; the cord and seal have been perfect, but when we have opened the cases we have found three or four or five hundred cigars out, and the boxes were packed with paper underneath so as to fetch them up to the surface; that showed that the cigars were stolen in Havana.

Q. Have you never known any case where it was alleged that the stealing was done on board the ship?—A. They sometimes say it is done on board the ship, because they can get their pay if they do from the steamship company; they cannot get it from Havana.

Q. Do not you know that cigars have been taken from cargoes on board ship?—A. I could not say where they were taken.

Q. Do you always break open the cords and seals when you make examination of a case?—A. Yes, sir.

Q. Even where the goods are to go to a bonded warehouse?—A. Yes, sir. If the cigars go to a warehouse, they have to be stamped before they go there.

Q. Do you know whether Mr. Ong sent Ferguson away that day the twelve cases were in the cigar-room?—A. That I do not know.

Q. Did he send him away with a letter?—A. That I do not know.

Q. Did you see Mr. Ong there that day?—A. No, sir.

By Mr. CONGER.

Q. Did Mr. Ferguson ever state to you any suspicion of fraud in that room?—A. Yes, sir; frequently.

Q. I mean fraud that was committed there by persons in that room?—A. No, sir; but he used to talk about frauds being committed by the merchants.

Q. Did he ever complain to you in any way about frauds having been committed on you in regard to such boxes as these?—A. No, sir.

Q. Or did he state any suspicion that any officers of the custom-house were sending goods away from that room unexamined for the purpose of fraud?—A. No, sir.

Q. Either in regard to these guava-jelly boxes or any others?—A. No, sir.

Witness subsequently returned and presented the following letter:

“NEW YORK, April 27, 1876.

“J. M. DAVIS, Esq.:

“DEAR SIR: I left New Orleans on the night of the 16th, and arrived in Washington on the 20th. I saw Mr. Darrall, and he told me that Mr. Wilson, Solicitor of the Treasury Department, wanted to get some strong hold on Herwig, and have him removed at once. General Gibson's committee will leave for New Orleans in a few days, and I have been promised a place on it at \$8 per day and expenses, and will *except* it if nothing better turns up. I will commence to make a copy of my day-book as soon as I return to Washington.

“The custom-house at New Orleans has never treated me right; and to put me down to \$50 per month and give a boy \$60, who had not been there but a few months, was more than I could stand from men that I have in my power to send to prison; and my family has not had the necessities of life for the last four months. I have some cigars with me that was bought of F. Massich, and have his receipt for the money; so you see I have not started on a fool's errand. I will send you what money I owe you in a few days; so excuse this. As soon as I get a room, will write again.

“Very respectfully,

“GEO. W. FERGUSON.

“P. S.—Don't show this to any one.—G. W. F.”]

By Mr. WHITAKER:

Q. Do you know Mr. Ferguson's handwriting?—A. Yes, sir.

Q. Is this letter in his handwriting?—A. Yes, sir.

NEW ORLEANS, LA., *June 15, 1876.*

JAMES L. MORRISON sworn and examined.

By Mr. WHITAKER:

Question. Where do you live?—Answer. 463 Chippewa street.

Q. Where are you employed?—A. In the custom-house.

Q. How long have you been there?—A. Since the 16th of November, 1874.

Q. In what department?—A. In the appraiser's department.

Q. Do you remember anything about an importation or an examination of twelve cases of guava jelly in the cigar-room there?—A. Yes, sir.

Q. Did you assist in that examination?—A. Yes, sir; the cases were thoroughly examined, and they were found to contain half of jelly and half of marmalade.

Q. Who was present when that examination took place?—A. Mr. Ingalls was there and also Mr. Washington.

Q. How many cases did you open?—A. We opened them all and they were all thoroughly examined.

Q. Did you take the packages out of the cases?—A. Yes, sir.

Q. And now you state that they were half jelly and half marmalade?—A. Yes, sir.

By Mr. REILLY:

Q. How long had you been employed in the custom-house at the time you made this examination?—A. Four or five months, I guess; I do not remember exactly how long.

Q. Who helped you to make the examination?—A. Mr. Ingalls and Mr. Washington.

By the CHAIRMAN:

Q. Who is Mr. Washington?—A. He is employed there; he is the one that opens the cases.

By Mr. REILLY:

Q. Where did you make the examination?—A. In the cigar-room.

Q. Have you ever examined twelve cases of guava jelly and marmalade before or since that time in that room?—A. No, sir; not that I remember of.

Q. Did you ever examine one case of that kind there?—A. Not that I remember.

Q. Do you know how those twelve cases came to get there?—A. No; I do not.

Q. How were they marked?—A. P. D.

Q. Is that all the marks on them?—A. I think so.

Q. What did that mean?—A. That was the mark, and the cases were numbered from one to twelve.

Q. Do you remember whether the name of Huard was on them?—A. I cannot remember that.

Q. Can you swear it was not?—A. Yes, sir; I can.

Q. And you do swear that the name of Huard was not on those twelve cases?—A. No, sir; it was not.

Q. What name was on them?—A. No name but P. D.

Q. What time in the day did you commence to make this examination?—A. I do not remember exactly, for we pass a great many lots of goods, and we take no particular notice.

Q. How long did the examination of these cases take you?—A. We may have been two or three hours at it.

Q. You finished it all in one day?—A. Yes, sir; and the invoice went out with it.

Q. Which cases contained the marmalade and which the guava jelly?—A. They all contained half and half.

Q. Each of the twelve cases was filled with some guava jelly and some marmalade?—A. Yes, sir.

Q. Who else was about there that day?—A. I do not remember whether there was any one else about there or not that day.

Q. Was Mr. Davis there?—A. I saw him at his desk, which was outside of the cigar-room.

Q. Did you see Paul Dunbar there?—A. I do not remember him.

Q. Do you know that man?—A. Yes, sir.

Q. Do you know Grinnell?—A. Yes, sir.

Q. Was he there?—A. I do not remember.

Q. Do you know George W. Ferguson?—A. Yes, sir.

Q. Do you remember whether he was there?—A. No, sir; I do not remember.

Q. Did you give any of them any of the jars of jelly?—A. No, sir.

Q. Did you give Ferguson a jar of that jelly?—A. No, sir.

Q. Did Washington give him one that you saw?—A. No, sir.

Q. Were there any jars taken out of these cases?—A. Yes.

Q. How many?—A. I do not remember.

Q. What was done with them?—A. They were opened to see whether they were jelly or not.

Q. Were there any opened that were not put back?—A. When you open them, you do not put them back, for they spoil.

Q. Did you get any of them?—A. No, sir; we had some to eat.

Q. Who did the writing in making up the return?—A. Mr. Ingalls.

Q. What papers did you have before you?—A. I sometimes have an invoice, and sometimes we have a list.

Q. What did you have on this occasion?—A. The invoice was there.

Q. Who had the invoice?—A. Mr. Ingalls.

Q. Did you see the invoice?—A. Yes, sir.

Q. And you are certain that you examined all these twelve cases?—A. I am, sir.

Q. Have you ever examined any cases of guava jelly since?—A. Yes, sir.

Q. How many at one time?—A. I know we had at one time eighteen cases, but I do not know whether it was before or since this transaction.

Q. Did you examine every case?—A. Yes, sir. We were two days on them.

Q. Is it your practice there, and are you required, to examine every case of one class of merchandise, or is it not the rule that when there are twelve cases of silk or hardware, for example, you examine only one-tenth?—A. I have nothing to do with silks or hardware.

Q. How is it in regard to goods that you do appraise?—A. There is generally twenty per cent. sent; but of marmalade usually the cases are all sent, so that no frauds can be perpetrated on the Government.

Q. And you are certain that you examined every one of those twelve cases?—A. I am.

Q. Have you ever talked with any one about this since?—A. About coming before the committee, do you mean?

Q. Yes, and about testifying.—A. Yes, sir.

Q. Who has been to see you about it?—A. Nobody in particular. Parties have asked me if I examined them or not.

Q. Who asked that?—A. Many parties.

Q. Who of your superior officers in the custom-house asked that?—A. I do not know.

Q. Did you hear of Ferguson's testimony on the subject?—A. I have seen it in the paper.

Q. Did you talk about it to Ingalls?—A. The way it was is that when I heard that he was going to testify—when I saw it in the paper—I remembered right away distinctly when the cases were examined and when they were passed. I do not know the date that they were passed. I mean the time.

Q. Did you know that Ferguson was going to testify in that way before you saw it in the paper?—A. I think somebody said he was going to testify about some jelly.

Q. Whom did you hear say that?—A. I do not remember who it was. I think it was before Ferguson gave his testimony that Mr. Ingalls asked me whether I remembered anything about some jelly, and I told him right off all about it. I told him it was examined, and thoroughly examined.

Q. Was that before Ferguson went to Washington?—A. No, sir; not before he went to Washington.

Q. But it was before he gave his testimony?—A. I think it was, but I am not certain about it.

Q. Mr. Ingalls came to you and asked you whether you had made the examination of these twelve cases?—A. Yes, sir; and I told him that I did make it, and he said he did not think that I would have remembered it. I remembered the whole circumstances.

Q. Was that the only conversation you had with Ingalls about this subject?—A. That is about all about the jelly that I know of.

Q. He asked you whether you did examine every case?—A. Yes, sir.

Q. And you told him you did?—A. Yes, sir; I told him right away.

Q. Did he ask you whether you would swear to that?—A. Yes, sir.

Q. And you told him that you would?—A. Yes, sir.

Q. Nothing else passed about the subject of your testifying?—A. No, sir.

Q. Do you know who got these twelve cases of jelly?—A. No, sir; I do not.

Q. You made this examination?—A. Yes, sir.

Q. And you had these invoices before you at the time?—A. Yes, sir.

Q. But you do not know whom the cases belonged to?—A. They belonged to Howard or Huard.

Q. Were they named on the cases?—A. No, sir; it was not on the cases but it was on the invoices.

Q. At the time you made the examination, then, you knew that they were consigned to Huard?—A. From the invoice I did.

Q. I asked you about that a moment ago, and you pretended to be entirely ignorant of it.—A. You asked whether it was marked on the cases, and I said no, sir, it was not marked on the cases; only P. D. was marked on the cases.

Q. You say now that Huard's name was on the invoice, but not on the cases?—A. Yes, sir.

Q. You are certain of that?—A. Yes, sir.

Q. Do you know whether Masich appeared in that?—A. No, sir; he was not there.

Q. Did you ever see those twelve cases since?—A. No, sir.

Q. Have you ever been in Masich's store?—A. No, sir.

Q. What is his business?—A. I think he is a cigar-importer.

Q. Do you know that those twelve cases went to his store?—A. I don't know anything about it.

Q. You have no knowledge about that?—A. No, sir; that is the storekeeper's business.

Q. Has Mr. Huard, whose name you saw upon this invoice, ever imported twelve cases of jelly since?—A. No, sir; not that I remember.

Q. That never came under your observation?—A. No, sir.

Q. But you may have examined other lots of guava jelly?—A. We have examined five or six lots of guava jelly since that time, I think.

By Mr. WOODBURN:

Q. When Mr. Ingalls asked you if you remembered the cases containing guava jelly and marmalade, did he tell you about information being sent from Washington by telegram to the effect that Ferguson had testified to certain matters in reference to guava jelly?—A. No, sir; he did not say anything about that at all.

Q. Was anything said, or did you have any information from any other source, that Ferguson was about to testify to a certain state of facts, or had testified in reference to cigars being smuggled in jelly-boxes?—A. Do you mean before he went there?

Q. Before the time Ingalls came to you, had you any information to that effect?—A. No, sir.

Q. You did not know what Ferguson was going to testify, or what he had testified to?—

A. I think some party, though I do not know who it was, said something to me about it.

Q. Something was said to you about Ferguson's testimony?—A. Mr. Ingalls said it to me.

Q. You do not know what he said?—A. Yes, sir; he told me that he heard that Ferguson was going there to testify about some jelly.

Q. And he gave that as the reason why he asked you about it?—A. He asked me if I remembered it; that is all he asked me, and then he told me about it.

Q. Was this before or after Ferguson had given his testimony?—A. I do not remember.

Q. You think it was afterward?—A. I will tell you how it happened. We had eight barrels of tobacco that we were going to examine, and Ingalls told me we would have to be very careful in examining the goods, for, if we did not examine them carefully, parties would swear that there would be cigarettes or cigars among them.

Q. And in that connection he mentioned Ferguson's testimony?—A. Yes, sir; it may have been after his testimony was given that he mentioned it. I do not remember whether it was or not.

Q. You did not know Ferguson was going to Washington?—A. No, sir; I did not.

By Mr. CONGER:

Q. Were the cases of jelly you examined corded and sealed?—A. There was no cord except a hoop.

Q. What kind of a hoop?—A. An iron hoop one and a half inches wide.

Q. How was it fastened?—A. It was nailed on.

Q. Across the middle?—A. No, sir; across the ends.

Q. Both ends?—A. Both ends.

By Mr. WOODBURN:

Q. Do you know whether any portion of the cases had been broken?—A. No, sir; they were all solid.

Q. That is, at the time you made the examination?—A. Yes, sir; neither Ferguson nor any one else could open those cases secretly, for they had long spikes in.

By Mr. REILLY:

Q. What do you mean by long spikes?—A. Long nails in the boxes.

Q. Fastening the top and bottom?—A. Yes, sir.

Q. Was it all one solid piece of board, or were there two or three pieces?—A. There were two or three pieces, but they were all joined; there was a kind of a crease in them where they joined them together.

Q. About what time in the day was it when you got through with your examination?—

A. As far as I can remember it must have been about half past one o'clock.

Q. Do you know what became of the cases after you got through with your examination?—A. No, sir.

Q. You left them there?—A. Yes, sir.

Q. Do you know this man Huard whose name was on the invoice?—A. No, sir; I do not.

Q. How long have you lived in this city?—A. I was born and raised here.

Q. Did you ever know of a man named Huard who was engaged in the jelly business in this city?—A. No, sir; I have nothing to do with the merchants whatever.

Q. But you live here and know a great many merchants?—A. No, sir; I do not know a great many.

Q. Do you not know a great many of them?—A. No, sir.

Q. You have worked in stores here?—A. I have worked in them.

- Q. Did you see this man around there at the time you were making this examination?—
A. No, sir.
Q. Have you learned about him since?—A. I do not know anything about him.
Q. You do not know whether he is now in the employ of Masich?—A. No, sir.
Q. Have you ever been in Masich's house or cigar-store?—A. No, sir; I think he keeps on Common street.

Subsequently Mr. Morrison returned to the committee-room, and, at his own request, made the following statement:

The WITNESS. I made a mistake in regard to whether Ingalls spoke to me before or after Ferguson testified; on thinking over the matter I find that it was afterward when he told me that. He told me to be very careful in passing other goods, so that nobody could spring up any rumor upon us; he said that we should be always sure about the goods.

By Mr. REILLY:

- Q. Have you talked with anybody about this matter since you left this room?—A. No, sir; except with Mr. Whitaker. I told him I would like to make an explanation, and he told me to wait till Washington got through. That was when I came in here a second ago.

NEW ORLEANS, June 15, 1876.

GEORGE WASHINGTON sworn and examined.

By Mr. WHITAKER:

- Question. Where do you live?—Answer. In Algiers.
Q. Where do you work?—A. At the custom-house.
Q. What department?—A. The appraiser's department.
Q. Do you remember anything about the lot of twelve cases of guava jelly?—A. Yes, sir; I remember them.
Q. Where did you see them in the custom-house?—A. In the cigar-room.
Q. Who opened them?—A. I did.
Q. Who was present there?—A. Mr. Ingalls and Jim. Morrison.
Q. Did you open all the boxes or cases?—A. Yes, sir.
Q. What was found in them?—A. Jelly and marmalade.
Q. Both in each case?—A. Yes, sir; in each case, mixed up.
Q. Did you take the things out and examine them?—A. We examined them thoroughly.
Q. The whole of the cases?—A. The whole of the cases through and through.

By Mr. REILLY:

- Q. When was this?—A. I do not remember how long ago it has been—about a year or some time back of that.
Q. Can you remember the month?—A. No, sir.
Q. Or the day of the week?—A. No, sir; I do not recollect anything of that kind.
Q. Who else was about there besides Morrison and Ingalls?—A. Myself, Ingalls, and Morrison were the only three that I remember.
Q. Do you know Mr. Davis?—A. Yes, sir.
Q. Did you see him there?—A. No, sir.
Q. Do you know George W. Ferguson?—A. Yes, sir.
Q. Did you see him there?—A. No, sir.
Q. Did you get any of this marmalade or guava jelly?—A. No, sir.
Q. You did not take one of the jars?—A. No, sir.
Q. Did Mr. Ingalls take any?—A. He took samples.
Q. And carried them out of the room?—A. Yes, sir.
Q. Did you carry them out?—A. No, sir; I had my tool-box; Morrison carried them out.
Q. Did you see him give any to anybody?—A. No, sir.
Q. Did you go out with him?—A. Yes, sir.
Q. Who first called your attention to the fact that you had opened and examined these twelve cases?—A. We generally got our instructions from Mr. Ingalls. Morrison came and told me that we had some jelly to examine.
Q. I mean since the day that you made the examination, who has called your attention to it?—A. I heard something about it in the papers.
Q. Tell us what you heard about it in the papers.—A. Ferguson went to Washington and reported that we had passed jelly instead of cigars.
Q. Who told you that?—A. I saw it in the papers.
Q. You did not talk with anybody about it?—A. No, sir.
Q. You never said a word to Morrison about it?—A. No, sir.
Q. Nor to Ingalls?—A. No, sir; Ingalls never said a word to me about it.

Q. You never talked a word about it since, until you were sworn here to-day?—A. I only saw it in the papers.

Q. Did you know what you were subpoenaed here for until you were asked questions by the counsel?—A. No, sir.

Q. Have you ever examined twelve cases of guava jelly in that room since?—A. No, sir.

Q. Have you ever helped to examine any cases of guava jelly there?—A. No, sir.

Q. Whom did these cases belong to?—A. I do not know.

Q. What marks were on the boxes?—A. I do not remember.

Q. Were there any marks on them?—A. Yes, sir; all the boxes are marked, but I do not keep them in my recollection.

Q. Did you handle these jars?—A. These boxes? Yes, sir.

Q. Did you open every box?—A. Yes; all through.

Q. What kind of a box was the jelly in?—A. Some were small boxes and some were larger boxes.

Q. What was the box made out of?—A. Out of this thin stuff that they make the jelly-boxes out of.

Q. Something like cigar stuff?—A. Yes, sir; something like that.

Q. They put jelly in boxes like cigars?—A. Something like that.

Q. Made out of the same wood?—A. Yes, sir.

Q. Have you seen any marmalade since that was put up in boxes like that?—A. Yes, sir; all the time.

Q. In boxes just like cigar-boxes?—A. Yes, sir; just like them in appearance.

Q. And about the same size as cigar-boxes?—A. No, sir; some smaller and some larger.

Q. You say you did not get any of this jelly yourself, at all?—A. No, sir.

Q. How many boxes or cases did Ingalls or Morrison take out?—A. I do not remember. I know he had the samples; there was a quantity of samples he had a right to take out.

Q. How many boxes were there in each case?—A. I cannot say.

Q. About how many?—A. I cannot exactly say; sometimes there are twelve dozen, sometimes there are twenty dozen.

Q. When you opened a case did you open every box?—A. No, sir; we do not do that—not the boxes of jelly.

Q. Then you do not know whether jelly was in every box?—A. I can always tell a jelly-box from a cigar-box.

Q. You know there was jelly there because they were jelly-boxes?—A. Yes, sir.

Q. Could you tell whether there was jelly or cigars in those boxes?—A. I am satisfied there was jelly in them, because jelly-boxes and cigar-boxes are of different size and of different weight; a jelly-box is heavy, and a cigar-box is light.

Q. Did you open the jelly-boxes in any of the cases?—A. No, sir.

Q. But you did open all of the twelve cases?—A. Yes, sir.

Q. How many boxes did you take out of the case?—A. I do not recollect.

Q. You did not go through the whole case?—A. They went through the whole case.

Q. Then you lifted the boxes out and examined them?—A. Yes, sir; examined them to see what it was and how many, and then we put them back.

Q. You took a sample out of each box?—A. Yes, sir.

Q. What is the difference between a box of cigars and a box of marmalade?—A. One weighs more than the other.

Q. How much heavier?—A. A great deal heavier.

Q. A pound heavier?—A. I cannot say.

Q. Half a pound heavier?—A. I cannot say.

Q. Quarter of a pound heavier?—A. I cannot say.

Q. An ounce heavier?—A. I cannot say.

Q. You know nothing about these twelve cases except that you went there and made an examination of them?—A. That is all.

Q. You do not know whom they belonged to?—A. No, sir.

Q. Or who took them away, or where they went to, or anything about them?—A. No, sir.

Q. You have never talked with anybody, and nobody has talked with you, about your testifying here until you came here?—A. No, sir.

By Mr. CONGER:

Q. Did you open the boxes?—A. Yes, sir; I opened them.

Q. Did you open them all?—A. Yes, sir; I had a tool-box.

Q. Were they all bound firm when you opened them?—A. Yes, sir.

Q. Had they been opened before, that you could see?—A. No, sir.

Q. How were the edges bound?—A. With a wire, about two inches wide.

Q. And nailed clear along around?—A. Yes, sir.

Q. Both ends?—A. Yes, sir.

Q. And you opened each one of them?—A. I opened them myself.

Q. Did you fasten them up again?—A. Yes, sir; I fastened every one up.

Q. If there are two boxes of the same size handed to you to take hold of, one with

cigars and one with jelly, could you tell the difference?—A. I could shut my eyes and tell that.

Q. And so could anybody who was used to handling them, could they not?—A. Yes, sir; there is a great difference between them.

Q. Do not the jelly-boxes weigh twice as much as the cigar-boxes?—A. It weighs so much more that a blind man could tell the difference.

Q. Even a member of Congress could tell the difference?—A. Yes, sir; or anybody who was used to handling cigars and jelly.

By Mr. WHITAKER:

Q. The guava-jelly boxes are very thin, slight boxes?—A. Yes, sir; they are a little thinner than cigar-boxes.

Q. Can you tell the difference by simply feeling them?—A. Yes, sir.

Q. You have had some conversation about this matter with Mr. Ingalls since Ferguson testified?—A. I do not remember that Mr. Ingalls spoke to me.

Q. Did you ever talk with anybody else about it?—A. No, sir; no more than what I saw in the papers.

By Mr. VANCE:

Q. What sort of nails were these boxes fastened with?—A. American nails. The French nails are round nails; these American nails are very long; you have to hammer as hard as you can with a mallet to get them out.

Q. Are you certain that they were American nails?—A. They were the shape of American nails.

Q. They were round nails?—A. No, sir; they were not round nails; these cases always come in with American nails or with nails of American shape.

By Mr. WHITAKER:

Q. You say that they usually use American nails in those cases?—A. Yes, sir; they always do, I know. I never yet saw French nails come in these cases.

NEW ORLEANS, June 15, 1876.

CHARLES E. INGALLS sworn and examined.

By Mr. WHITAKER:

Question. State your occupation and residence.—Answer. I reside at No. 320 Saint Charles street. I am employed as examiner in the custom-house, in the appraiser's office.

Q. State how long you have been in the custom-house and what places you have filled from time to time in the city of New Orleans from the time you first went into the custom-house up to the present time.—A. I came here in November, 1866, and was first employed under Collector Kellogg. I was put in charge of what was called the statistical bureau that had just been started in Washington. Our reports went to the bureau in Washington. I do not remember how long I was in charge of that. I think probably I was three or four months there. Then I was placed in charge of the appointment desk, where the records are kept of all the employés. After that Mr. Kellogg promoted me to be deputy collector and *ex-officio* storekeeper of the bureau.

Q. You did not have charge of a special warehouse, did you?—A. No, sir; the duties of that office were not very heavy. The storekeepers all reported to me, and where an investigation was to be had in the warehouses it was under my supervision. I remained there until 1868. When Mr. Fuller came here he displaced me as deputy collector and storekeeper of the port and placed me again in charge of the appointment bureau, where I remained all through his administration. When Mr. Casey was appointed collector I was appointed deputy collector, and had charge of the business-desk under Mr. Casey until there came a complication in politics, and I was removed and Mr. Baker, the old street-commissioner, was put in my place.

Q. Is that the place that Major Copeland now occupies?—A. Yes, sir.

Q. It embraces the signing of the ordinary custom-house papers?—A. Almost all the ordinary business papers.

Q. It embraces the routine work of the office?—A. Yes, sir; the routine work. Then I went to the city hall at the time the new council was organized.

Q. What time did that council go in?—A. In 1870. When Mr. Flanders was appointed mayor the governor appointed a new council.

Q. You were chief clerk of the bureau of assessments?—A. I was the secretary of the department of assessments.

Q. You went back then into the custom-house?—A. Yes, sir.

Q. What position have you held since that?—A. I was first put as clerk in the appraiser's

office, and afterward Mr. Lobdell came here to re-organize the office, and I was made examiner.

Q. Is that the position you now hold?—A. Yes, sir.

Q. Do you remember that there was an importation of 12 cases of guava jelly made by Huard in March, 1875, which you examined?—A. Yes, sir; the entry has already been laid before the committee. I examined those 12 cases. They were marked "P. D.," Nos. 1 to 12.

Q. Where did you examine those cases?—A. They were in the cigar-room.

Q. Do you know how those cases came to be in the cigar-room?—A. No, sir; I did not, except since this question has been brought up, and then I have heard that it was by error that they went there.

Q. Do you know that they were ever in the warehouse before they went there?—A. No, sir; I only know it by hearsay, and since Mr. Ferguson went to Washington.

Q. How came you to know there was guava jelly in them?—A. I cannot state positively about that.

Q. Your recollection is not clear?—A. No, sir. The way we do business is as follows: I get my invoices in the morning from Mr. Jackson's department; we have two appraisers' offices; Mr. Jackson has one office and Mr. Ringgold has the other. Mr. Ong was then in the place that Mr. Ringgold now holds. When the invoices come in of goods we have to examine, we have two examiners in our department, and we divide the alphabet between us. I have all the invoices from A to M inclusive, and he has the balance of the alphabet, taking the letters of the importers' names. I have a long strip of paper, giving the marks and the numbers of the goods to be examined.

Q. You found the invoice for these twelve cases imported by Huard on your desk that morning?—A. Yes, sir; it came after I came to the office.

Q. And you made an examination of the cases?—A. Yes, sir.

Q. You found them in the cigar-room?—A. Yes, sir.

Q. Who were the persons that went with you to make that examination?—A. Mr. George Washington went, the man who has testified here this afternoon, and James L. Morrison, who also testified.

Q. How thorough was that examination that you made?—A. It was made like all other examinations of a similar nature are made.

Q. In cases of guava jelly and marmalade are you compelled to make a searching examination?—A. Well, more so than with other goods. When I first went there marmalade was being classified as jelly; now we have to be a little more particular in those transactions, and see that the right quantity of marmalade is reported.

Q. Owing to a difference in duty between jelly and marmalade?—A. Yes, sir; one pays 35 per cent., and the other 50 per cent.

Q. You made an examination of those twelve cases?—A. Yes, sir.

Q. How searching was it?—A. They were all opened.

Q. Were they opened in your presence?—A. Most of them were; I think all of them.

Q. You directed that there should be a thorough overhauling of them?—A. There was no directing about it; we went in there and found the goods which were to be examined. Mr. Morrison or Mr. Washington opened the cases. Ferguson's business is to open the cases, and Mr. Morrison reports to me if the merchandise is properly placed on invoice, and if it verifies the invoice. Three or four cases were counted; everything was taken out. They were different-sized boxes.

Q. In those cases where they were not all counted, box by box, did you make the examination as to the contents of the boxes?—A. I think I did in two or three boxes, but not in all of them. I think I did in enough to satisfy me that it was all right.

Q. All the cases were opened, and thorough examination was made of them?—A. Yes, sir; there was this difference between this importation and other importations: The marmalade was by itself and the jelly by itself; the marmalade was on one side and the jelly on the other side of the case. These small boxes came eight or ten boxes in a row.

Q. Were these round boxes?—A. They were round boxes.

Q. There is no such thing as mistaking them for cigar-boxes?—A. No, sir.

Q. What is the difference between the ordinary cigar-box, containing twenty-five or fifty fine cigars, and the boxes in which guava jelly and marmalade are brought?—A. The largest-sized box of marmalade or jelly might be a box for about twenty-five cigars, but the quality of the box is entirely different. It has a great deal thinner board, and it is all covered around with paper, giving the name or advertisement of the article in the box, and stating whether it is jelly or marmalade.

Q. The board used is thinner than it is for cigar-boxes?—A. Yes, sir.

Q. It is like stiff pasteboard, is it not?—A. Yes, sir; there were four sizes of boxes in this particular importation. The board is not much thicker than stiff pasteboard.

Q. Having made this examination, you took the necessary samples for examination?—A. I did not take that. Mr. Morrison brought to me, as I supposed, a sample out of each case. His orders are to bring a sample out of each case he sees and examines.

Q. Did you examine the boxes to see whether they were like the cases in which the cigars came packed?—A. There is no question about that. The idea is perfectly prepos-

terous that there should be any cigars in those boxes of guava jelly. The very shape of the box prevents it.

Q. As to the larger cases in which these boxes of jelly were contained, what resemblance is there between them and the cases in which cigars are packed?—A. They are very much the same.

Q. You have had abundant opportunities of familiarizing yourself with both, have you not?—A. Yes, sir; they are made of the same kind of material.

Q. Have you no recollection in regard to these boxes?—A. No, sir; I have not. It is a good while ago, and I have no particular recollection, except as to the size of the boxes.

Q. Mr. Morrison testified as to some conversation he had with you regarding Mr. Ferguson's testimony, and he referred in the course of his statement to the fact that some eight hogsheads or casks of tobacco were about to be examined, and you gave him some instructions as to the particularity with which he should make the examination of that tobacco; do you remember the circumstances regarding that?—A. Yes, sir.

Q. Do you remember whether that conversation took place before or after the testimony of Ferguson?—A. It was three or four days after Ferguson testified. I was very particular to say nothing to Mr. Morrison or Mr. Washington in regard to this matter. I would rather that they should refresh their own memories. I had no conversation with either of them or any other person around that had anything to do with the examination of those cases until these eight hogsheads of scrap-tobacco came, which was three or four days after Ferguson testified. I have the invoices for this scrap-tobacco on my desk yet. I am sure that was after the news of Ferguson's testimony came back to New Orleans.

Q. You have even got the invoice for that tobacco still on your desk, have you?—A. Yes, sir; there was some difficulty about entering the tobacco. The conversation that occurred then was this: These eight hogsheads of scrap-tobacco were to be examined. I took the invoice and went out and found they were in very nice casks. Mr. McClellan, the store-keeper, and Mr. Morrison and two or three of the laborers in the appraiser's department whose names I do not know, were standing around there, and I said, "Gentlemen, I want you to see how easy it would be for a suspicious man like Ferguson to get an examiner into trouble; under ordinary circumstances I should have examined out of those eight cases of tobacco only about four or five cases, because no importer is going to run the risk of our hitting upon a cask of some other kind of goods and condemning all of them. But if a suspicious person like Mr. Ferguson had been present, and had made a memorandum to the effect that Mr. Ingalls examined only four or five barrels of tobacco out of eight, and that there were cigarettes or cigars in the other four barrels, it would have placed me in the same position in regard to this transaction which Mr. Ferguson has tried to place me in now in regard to the other." Then Mr. Morrison came up during that conversation, without any procuring on my part at all, and remembered this transaction perfectly well. He remembered the circumstance of examining them in the cigar-room, and that they was all examined and all thoroughly opened.

Q. Do you remember who were present besides your men, Morrison and Washington, during this examination in the cigar-room?—A. I cannot say whether there was anybody else present or not. I was not there during all of the examination.

Q. What kind of a partition is there between the cigar-room and the room in which Mr. Davis's desk stands?—A. It is a partition about eight feet high, running right across from one side of the room to the other.

Q. So that a person standing at Mr. Davis's desk in the one room would have very little chance to observe what was going on in the other?—A. If the door were opened he could see. If it were closed he could not.

Q. As examiner, you have nothing to do with cigars or cigarettes?—A. Yes, sir.

Q. State if you remember anything with reference to an importation for Mr. Masich, at any time, of 20,000 cigarettes in bulk?—A. No, sir; I did not have anything to do with cigars in Mr. _____'s administration.

Q. Did you ever hear of anything of that kind?—A. No, sir; except this investigation.

Q. Can you tell me how cigarettes are packed before they are stamped, under the instructions of the Secretary of the Treasury?—A. Under the instructions of the Secretary of the Treasury, they must be packed in packages of over 500 in a box. That is what the statute says.

Q. Now, how is it in regard to the number of cigarettes to the pack?—A. That is not defined.

Q. Does not that number vary?—A. Yes, sir; sometimes there are fourteen or sixteen or eighteen or twenty cigarettes to the pack; generally there are twenty; that is the average.

Q. So that you have generally twenty-five packs of twenty cigarettes each to make up the 500 in a box?—A. Yes, sir.

Q. Is it customary, or has it been customary, as far as your knowledge goes, in the custom-house, to count, before stamping, every cigarette that goes in a package of 500?—A. This is the only importation that I have passed during the time that I have been examiner. I am speaking of the Domingo lot that Mr. Ferguson referred to.

Q. Did you consider it necessary that you should count every cigarette in a package of 500?—A. No, sir; that was not my duty.

Q. Supposing you had twenty thousand packs of cigarettes to count as examiner, how long would it take you to make an accurate count and ascertain that there were five hundred and no more in each box?—A. I could not tell you. A long while.

Q. You could not undertake to do such a thing and attend to any other business for some time?—A. No, sir; I should not.

Q. It is a physical impossibility that that counting should be done in the custom-house?—A. It never is done.

Q. Would it take more to pay the custom-house officers to do that than the cigarettes would come to?—A. It might. It would take a good while.

Q. Then you judge as far as you can the number of cigarettes in a box?—A. Yes, sir; seeing that there are twenty-five packs.

Q. The packs, however, vary?—A. Yes, sir.

Q. Sometimes there are more and sometimes less cigarettes in a box of five hundred cigarettes than on other occasions?—A. Yes, sir.

Q. You have to judge as well as you can in reference to that?—A. I have so little to do with cigarettes that I cannot say very well in regard to this importation of Mr. Domingo's that Mr. Ferguson testifies to, but I will state that it is the only lot of cigarettes that has been imported from the 1st of May, 1875, to the 1st of May, 1876, for consumption here, except a few that Madame Olympe imported—scented cigarettes. C. A. Whitney has a great many cigarettes go through the custom-house. Those are weighed. In regard to this lot of 20,030 packs that came into the cigar-room—if everything Mr. Ferguson says is correct about that—I have made a statement showing that it would have made a difference to the Government of only \$20.14. I do not pretend to say that Mr. Ferguson is not right about this matter, because I do not remember whether I counted them or not.

Q. Ferguson swore that thirty-five packs with more than twenty cigars to each pack would be?—A. That I cannot remember.

Q. Make any other statements you wish about it.—A. There were two thousand and thirty packs on the invoice, and I see, by referring to the invoice since, that I weighed them, and noted on the invoice twenty-nine packs per pound, which would be very heavy for cigarettes. They are more apt to weigh thirty or thirty-two packs to the pound. Twenty cigarettes in a pack would make 40,600 cigarettes in the whole importation. I take that for granted, because that is the average amount in a pack. If what Ferguson says is correct, the custom-house got everything in the case it was entitled to under any circumstance. They were paid by *ad valorem* and actual weight. The only remaining thing would be eighty-seven and a half cents for five hundred, which would make a difference of \$20.14 that the internal revenue department did not get.

Q. That is, taking this whole lot of two thousand and thirty packs?—A. That is the only lot of cigarettes imported during the year.

Q. There has been a question asked here with reference to what goods go to the appraiser's department as designated by the collector with one tenth to be examined, and what goods have to be examined entire.—A. There is a tenth part of all importations that goes to the appraiser's office to be examined, but in importations of cigars all go to the appraiser's office to be examined. If an invoice reads "all marmalade," then only one-tenth of that importation would go to the appraisers' office. If it reads "all jelly," only one-tenth would probably go to the appraiser's office; but if it reads "marmalade and jelly or guava paste," without defining what quantities of each there are, then it is necessary to send all that importation to the appraiser's office to be separated on account of the difference in the rate of the duty.

Q. When you have a case of miscellaneous goods you examine it all through?—A. Yes, sir.

Q. Because there are mixed duties?—A. Yes, sir; those are the cases for which I gave Mr. Morrison the invoice. I never do that, if it is wine, or anything else which consists of a single line of goods. In such a case I give him only a memorandum of what has been ordered there for examination, and he goes out and finds and brings me a sample of it, or sometimes, if I have time, I go out myself.

Q. There is a rule in reference to cigars is there not, as to what place they should go after they leave the vessel?—A. I think there was an order issued, but that was before I had charge of the cigar-room at all.

Q. What is that rule?—A. That they should all go to warehouse No. 1, the warehouse in the custom-house basement.

Q. They go from there to the cigar-room for examination by the United States inspector?—A. They are transferred by the storekeeper of No. 1 to the appraiser's store for examination; the cigar-room is in the appraiser's store.

Q. All imported cigars go there to warehouse No. 1, and then into the cigar-room to be examined before they can go into any warehouse outside of the custom-house?—A. Yes, sir; those are the instructions, and I believe they are carried out.

Q. How do they come in there from warehouse No. 1?—A. They are taken in there on trucks. It is only a little ways from one warehouse to the other.

Q. They are transferred under the supervision of a Government officer?—A. Yes, sir.

Q. And they do not go outside of the building on to the street at all?—A. They are carried from one room into another.

By Mr. WOODBURN :

Q. Do you recollect whether or not any portion of the outer box in which these jelly-boxes and marmalade-cases were was broken in any of them?—A. No, sir; and I would not have known it probably if it had been. I have nothing to do with the mechanical part of the examination. In opening those cases, however, it is pretty hard to open them without splitting or breaking the cover; the nails naturally pull through.

By Mr. REILLY :

Q. How many other invoices of guava jelly have you examined within a year prior to this particular invoice and since?—A. I believe this importation occurred in March, 1875. There are very few importers of jelly here. There is Justiani, who is a cigar-dealer; he imports quite a large quantity. I think he is a manufacturer of domestic cigars. His brother is a manufacturer of jelly. He gets very large importations—twelve or fifteen cases at a time. During the time I have been examining, I have examined perhaps ten large importations, and then there may be some smaller ones of a case or two in along with a lot of other goods.

Q. Can you name any other instance of an importation of as many as twelve cases of guava jelly in which you made an examination of every case?—A. Yes, sir; all of them are examined; every one.

Q. In every case, as you understand it, where there is an importation of guava jelly you make an examination of every case?—A. If you mean jelly and marmalade, I say yes, sir; every case.

Q. Take a case where the invoice shows an importation of twelve or fifteen cases of guava jelly only, and the goods are sent to the appraiser's room for examination, how is it then?—A. They are all opened.

Q. Every case is opened and examined?—A. Yes, sir; there never has been an instance to the contrary.

Q. You do not think then, as you stated a moment ago, that in a case where the line of goods is the same you simply examine enough to satisfy your own mind that they are all the same and then go no further; you do not pursue that practice in the case of an importation of guava jelly and marmalade?—A. No, sir; because it is necessary to designate the rate of duty on it; they generally come half and half, but very often I have had occasion to change it. There would be more jelly entered at 35 per cent. than marmalade at 50 per cent. I may say we have very often had occasion to change the amount of each.

Q. Did you remain to supervise the examination of these twelve cases?—A. I do not think I was in the room all the time; I have a great deal of work to do.

Q. Your testimony, then, is taken in part from your own observation and in part from the observation of Mr. Morrison?—A. No, sir; I was in the room at the time the lids were raised from the boxes and when they were detached from the boxes.

Q. From the examination that you made, are you prepared to swear that there were not cigars in any of those twelve cases?—A. I do not think there were; I know that there were not in five or six cases, because every box in them was taken out, and the others had the same appearance. If you will look at the invoice, showing the contents of the cases, you will see that there are so many dozen of the larger size and so many dozen of the second size, and so many dozen of the third and so many of the fourth size, and the cases were all packed alike, and they would all have the same appearance and contain the same-sized boxes.

Q. I would like to have you swear as positively as you will upon that subject?—A. I know there were not any cigars in them.

Q. Do I understand you to swear that there were not?—A. I cannot swear that there were not, because I do not know but what there might have been three or four cases, the tops of which were not taken off, but I gave the whole matter an investigation that satisfied me at the time that it was all right, and I do not think that any importer who knew how these cases were examined would put cigars in there and run the risk of being detected and losing the whole importation.

Q. Then the conclusions you reached in your mind were from an investigation that fully satisfied your mind as to the fact?—A. Yes, sir.

Q. Do you remember whether you had an actual positive examination of the contents of those cases?—A. I probably had, just as in all other importations of a similar nature.

Q. But then in point of fact there might have been cigars in some of those cases?—A. There might have been gold in them. Take for instance an importation of ten cases of wine. We open three or four cases of wine only. Out of a hundred casks of wine, ten only would be ordered to the appraiser's store to be examined, and we do not open all those cases even. We open three or four cases only, or perhaps one or two cases, as the case may be, and see that the importation is what it is represented to be in the invoice.

Q. I want to know the extent of your information upon this particular transaction.—A. I can swear that with five or six cases the contents were all taken out; in those, I know there were not any cigars. But the others were not unpacked; we saw that they had the same appearance on the top that those we did open had, and that they held the same quantity. There might have been cigars in those unopened, which were not fully examined, but I do not believe there was. I will say there was not.

Q. Were you in the room all the time?—A. I was in the room most of the time. I had business in the hall that calls me away sometimes.

By Mr. WHITAKER :

Q. You have subordinates under you to make these investigations?—A. Yes, sir.

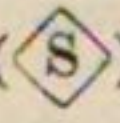
Q. They report to you?—A. Yes, sir.

Q. You supervise a part of the work—not the whole of it?—A. Yes, sir.

Q. You act on the reports they make to you in the ordinary course of business?—A. Yes, sir; sometimes samples are brought to me from each case, and in this case samples were brought to me from each case, and it was reported to me at the time.

Q. Were there any marks on these boxes other than "P. D." you have spoken of?—A. No, sir; excepting the numbers on the cases—numbers 1 to 12.

Q. Were there any marks upon the cases by which they could be designated and known as the cases referred to in the index?—A. Yes, sir.

Q. What were they?—A. "P. D." The regulations require that every importation have a mark upon it. There are houses that have the same mark for all their goods throughout their whole business; for instance, diamond S () may stand for Sillery & Sons. Each house has a particular mark.

Q. Do you know whose mark this "P. D." was?—A. No, sir; I never knew.

Q. Were there any directions on any of the cases, such as New Orleans or elsewhere?—A. That I do not know.

Q. Was the name of Huard on the boxes?—A. No, sir.

Q. Was that name on the invoice?—A. Yes, sir.

Q. Do you know who Mr. Huard is?—A. I never saw the gentleman in my life.

Q. He is not engaged in any business in this city that you know of?—A. I have been looking since and I see that he has made importations of cigars. I do not remember whether he has imported any jelly besides.

Q. He has imported cigars prior to this and since?—A. I do not know about since.

Q. Was the mark "especial" written on any of these cases?—A. No; I did not see it. I suppose you mean "exception."

Q. Suppose that those goods belonged to Mr. Masich, and that he told you that they had been delivered to him, and that they contained cigars, and that they were imported to him in that way, would you believe him?—A. No, sir; I would not believe him. I should know that he was saying what was directly in opposition to what I knew at that time.

Q. Do you know how the 12 cases came to the cigar-room?—A. No, sir; I do not.

Q. Have you ever, in the performance of your duty as an examiner, made an examination of any number of cases of guava jelly at this same place, either before that time or since?—A. No, sir.

Q. Do you know where the cases were taken to from the cigar-room, after your examination?—A. No, sir.

Q. You had no further connection with them, and had no further occasion to have any knowledge or information about them?—A. No, sir; I never thought that there was any question about it until I saw this testimony of Mr. Ferguson.

By Mr. WHITAKER :

Q. In your opinion as an expert, would it be safe to pack guava jelly and cigars together does not guava jelly melt in some cases?—A. Yes, sir; the heat of the vessel often makes it soft.

Q. Would it be safe to pack cigars with guava jelly, then?—A. I never knew it to be done. I see one of the papers says that some witness says that it was so packed. It would be ruinous to both the cigars and the jelly. The cigars would certainly scent the jelly.

Q. Your initials are on the return of the appraisement of this guava jelly, are they not?—A. Yes, sir.

Q. And you made that return after what you considered to be a careful, business-like examination, showing that these cases contained guava jelly and marmalade alone, and nothing else?—A. Yes, sir.

Q. You put your initials to it officially, as a custom-house officer?—A. Yes, sir; there was an examination as in other transactions. I have seen the invoices, so that I can speak knowingly.

Q. You think now, as you thought then, that that return of yours, to which you put your initials, was an honest return?—A. I do.

Q. And you have not changed your opinion because of anything you have seen in regard to it?—A. No, sir.

NEW ORLEANS, *June 15, 1876.*

JOHN J. FLATLEY recalled.

By Mr. WHITAKER :

Question. Do you know anything with reference to the reception at the custom-house in March, 1875, of twelve cases which were sent to the cigar-room, and which turned out to be guava jelly, on the C. W. Lord ?—Answer Yes, sir ; I remember receiving twelve cases of jelly on the 25th of February, 1875. I received them at No. 1, class 1.

Q. Where were they sent ?—A. They were sent from No. 1, class 1, to the appraiser's office.

Q. Do you know where they were lodged there ?—A. I do not.

Q. Do you know to whom they were sent ?—A. They were sent to the storekeeper.

Q. You did not see the invoice ?—A. No, sir ; I remember the mark on them was P. D., Nos. 1 to 12.

Q. Had they been sent to another warehouse prior to that ?—A. No, sir ; they came direct from the vessel to me.

Q. Do you know anything about the reception of a lot of cigars said to have been seized at Bailey's vinegar-factory, amounting to 171,800 cigars ?—A. That was in September, 1873 ; I remember everything about it.

Q. Did you have anything to do with classifying them and taking a memorandum of what was received there ?—A. I received a receipt for them, and entered them on the book.

Q. State whether that sets forth a correct statement of the cigars received, and their grades and numbers, &c.—A. Yes, sir ; that is embodied in the entry in the book that I keep.

Q. By whom was the copy you hold made ?—A. By myself.

Q. State, for the information of the committee, what cigars they were that you received, and what their brands were.—A. I can only tell what the cases contained ; the grand total that the cases contained was 1,296 boxes of 100 cigars each—129,600 cigars ; then there were 731 boxes of 50 cigars—36,550 cigars ; there were 220 of these boxes of 25 each—5,650 cigars ; that makes in all 171,800 cigars.

Q. Did you examine the boxes separately ?—A. I saw every box that was taken out of the case.

Q. Were there any stamps upon any of the boxes ?—A. There were no stamps upon any of the boxes.

Q. To whom did you turn them over ?—A. To the United States marshal.

Q. And they were sold by him ?—A. They were sold by him ; De Klyne and Stockton sold them.

Q. Were the cigars sampled for the purposes of the sale, and did any cigars go up from the storekeeper's to the marshal's office ?—A. There was an immense amount of those cigars scattered in front of the building ; there were so many of them that I could not tell how many there were.

Q. By whom was that done ?—A. De Klyne and Stockton.

Q. They were the deputy marshals ?—A. Yes, sir.

Q. Were these sample cigars thrown out to the crowd promiscuously ?—A. Yes, sir.

Q. Did you see the sale ?—A. I did not take any notice of it ; I passed by at the time ; I never had much interest in such things.

By Mr. REILLY :

Q. What position did you hold at the time you received these twelve cases of guava jelly at warehouse No. 1 ?—A. I was a storekeeper at No. 1, class 1, at the time.

Q. There was no examination of the contents of the cases in your presence, or while they were in your custody ?—A. No, sir.

Q. All you know is that there were twelve cases invoiced as jelly and said to contain jelly ?—A. Yes, sir.

Q. By whose order were they sent to your store-room ?—A. They were sent there under a special general order.

Q. Do you know whether there had been a permit granted that they should be sent to warehouse No. 6 ?—A. I do not know.

Q. Did you see the invoice before you received the cases ?—A. I never received an invoice.

Q. You never saw the invoice at that time ?—A. No, sir.

Q. You know that they were invoiced as guava jelly, but when you received them you were not aware of the fact ?—A. I received them first as merchandise.

Q. Were not they packed in cases similar to those in which cigars come ?—A. They were, but they appeared rather heavy, that is all.

Q. You received them as merchandise ?—A. Yes, sir.

Q. How do you know that these twelve cases are the same ones that have been spoken of in this case ?—A. I know only just what I received.

Q. How many other cases did you receive at the same time ?—A. There were so many that I could not tell.

Q. Did you receive more than these twelve cases on this same day?—A. I did, sir, and I remember that the other cases went to the appraiser's first, while the cigars and jellies remained, and I made a private memorandum of that in my pocket-book, to the effect that twelve cases of jelly were received on February 26, 1875, and transferred to the appraiser's store March 19, 1875; that is all I know.

Q. Those twelve cases that you speak of were in your store-room how long?—A. From February 26th to March 19th.

Q. Do you know that these twelve cases were the same cases that Mr. Ingalls, Mr. Morrison, and Mr. Washington examined?—A. I believe they are, from what I understand.

Q. What knowledge have you on that subject?—A. None, except the general routine of business occurring with vessels coming into port.

By Mr. WHITAKER:

Q. Did you have another twelve cases of jelly during that month?—A. No, I did not.

Q. How did you know that these twelve cases contained jelly?—A. From the general appearance of them, and they appeared to leak out as jelly. I remember them well; the foreman, Mr. Ward, called my attention to them.

NEW ORLEANS, June 15, 1876.

DANIEL J. HUTCHINSON sworn and examined.

By Mr. WHITAKER:

Question. Where do you reside?—Answer. I reside at 121 Union street.

Q. What is your occupation?—A. My occupation is that of an inspector of customs.

Q. You are detailed generally to special duty?—A. Yes, sir.

Q. What is the nature of that duty?—A. It is to detect smuggling and to prevent frauds on the revenue generally.

Q. Do you remember anything in respect to the seizure of cigars at a cooper's-shop near the Bailey vinegar-factory in this city?—A. Yes, sir; I do.

Q. Did you act in that seizure yourself?—A. Yes, sir; I made the seizure.

Q. From whom did you receive your instructions?—A. I received my instructions from Mr. Kinsella.

Q. He was the special agent?—A. The special agent of the Treasury Department.

Q. Do you remember when it was that you went out to make that seizure?—A. I do not remember the date; I cannot fix the date at all now.

Q. Would you be very much surprised to learn that it was about the beginning of December, 1873?—A. I know it was in the beginning of December, 1873; I remember that distinctly; I know it was quite recently.

Q. What took place when you went to make the seizure; what did you find, and what did you do with what you found?—A. There was a Mr. Bailey who came to the custom-house and reported to Mr. Kinsella that he had had some goods taken from him and that he wanted to recover them. Mr. Bailey came to the custom-house and said that there had been some goods stolen from him; he wanted those goods recovered; and he requested Mr. Kinsella to issue a warrant to search this place and see if his goods could not be found there. Mr. Kinsella told him that he could not issue a warrant for any such purpose. Then we investigated the matter a little closely and found that there were some cigar-boxes or pieces of cigar-boxes under the house, and on that there was a search-warrant issued, on which we examined the premises. On the examination we found cigars in there, and ascertained that they had been smuggled in there from the fact that there were no stamps on them. On going into the gate, Mr. Bailey attempted to prevent me from going in there.

Q. What gate did you try to get in?—A. The gate that Mr. Bailey had first taken Mr. Kinsella's son in by.

Q. That was the gate leading into the yard, where the vinegar-factory is, and into which a door opened from the cooper-shop?—A. It is all in the same yard; it all opened into the same yard; there is no partition in it. He objected to our going in, and I then said to him, "Mr. Bailey, if you undertake to prevent me from going into this yard I shall be compelled to put you under arrest." He then said, "This is not the entrance to this yard, and I do not want you to go in and I will stop you from going in." I then shoved him to one side and I said, "I am going in there." I found the goods, and I took a lock-smith with me to open the door.

Q. You went in the door that opened into this yard?—A. Yes, sir.

Q. In what condition was that door?—A. It was open. It was the only door of ingress to those premises.

Q. Was the door locked?—A. It was not. There was a latch; you just raised the latch and you went in.

Q. You did not use the services of the lock-smith then?—A. Not on that door.

Q. Was not there another door to the cooper's shop that led out on Bienville street?—
A. No, sir; there was no other door.

Q. You went in there and found some cases?—A. I think I found thirteen cases.

Q. How were the cigars that you found packed?—A. Part of the cases were full and part empty. There were more than thirteen cases in all; there were a number of hogsheads in there and boxes of various sizes.

Q. Did you notice how many hogsheads there were in there?—A. I suppose there must have been twenty-five or thirty; there was one end of the room full of them.

Q. What did you do with the cigars?—A. We examined every case, box, and hogshead in the place and took the cigars; some of the cases that were not full we filled up with some of the cigars in the other cases, so as to make the packages as few as possible; we then took them to the custom-house.

Q. What did you do when you got to the custom-house?—A. It was late at night, and we had two night-inspectors detailed to watch them until morning.

Q. Where did you place them?—A. On the sidewalk, outside of the door.

Q. Did you make an examination of those cigars on the next day yourself?—A. I examined every box singly myself.

Q. Did they present an appearance similar to what they did the night before?—A. They were exactly as I left them; I covered them with a tarpaulin.

Q. Did you see the cigars after they were taken out of those cases?—A. Yes, sir; I took them out myself.

Q. What stamps did you find on them?—A. There were no stamps on any of the cases; had they been stamped I could not have seized them.

Q. Did you ever tell any one that you would give an hour's time for the taking away of these cigars, after you went out of the cooper's shop?—A. No, sir; I never met any one to tell it to, and I never told it to any one.

Q. Did you ever know a man named Isaac or Isaacs, said to have been a clerk for Mr. Masich?—A. No, sir; I do not think I do.

Q. Did you ever tell any one in Mr. Masich's employ, or did you ever say to Mr. Masich himself, that if he removed those cigars away from that place within an hour they would not be seized?—A. No, sir, I did not; I told Mr. Bailey that I would give him a hundred dollars if he would tell me the man who rented that place from him.

Q. When was that?—A. That was immediately on my making the seizure.

Q. Did Mr. Bailey tell you that there was any one there, or who had been there, claiming to be the owner of that property?—A. No, sir; Mr. Bailey objected strenuously to my going in there and making the seizure, and did everything in his power to prevent my going in.

Q. You had to use physical force to get in?—A. I had to use physical force to put him away from the door, in order that I could get in there.

Q. Did you see any one about that building, except Mr. Bailey, who had any interest concerning it, so far as you know?—A. No, sir; there were two inspectors with me; except them, there was no one else there.

Q. One of the inspectors was Mr. Detiege?—A. Mr. Detiege and another man were the two inspectors detailed to go with me to make the seizure.

Q. Did any one present himself then, or has any one presented himself to you since, claiming any ownership or interest in those cigars?—A. No, sir.

Q. Have you heard of any one claiming any ownership or interest in these cigars?—
A. No, sir; at no time.

Q. Do you know anything as to the place from which those cigars came to that cooper's shop?—A. I do not.

Q. Not even from hearsay?—A. I know nothing about it. I have not even heard of it from hearsay.

Q. Then you were not acquainted with the information Mr. Kinsella got on that subject?—A. No, sir; I know nothing except what Williams, the drayman, told me, and he knows nothing about it. I offered to pay him for his time and trouble if he would tell me who hauled them off.

Q. Whose name did you hear of in connection with the lesseeship of that place?—A. Mr. Cassidy.

Q. What was his business, did Williams say?—A. He said he was a steamboat man.

Q. Have you been able to ascertain anything about Cassidy since?—A. No, sir; but Williams has promised faithfully that if he ever ascertains who this man was that he will bring him to me.

Q. Have you not given a great deal of your time to the investigation of those goods as a special officer?—A. Yes, sir; I have.

By Mr. REILLY:

Q. Have you read Mr. Bailey's testimony?—A. No, sir.

Q. Did you hear of it last night?—A. No, sir; I was away from the city last evening, and I have not even had an opportunity of seeing the papers this morning.

Q. You saw no person about these premises, when you went up there that morning, except Mr. Bailey?—A. No, sir; except him and the two officers who were with me.

Q. Where was Mr. Bailey when you came up?—A. I met Mr. Bailey right at the gate that I had to enter by.

Q. What was he doing there?—A. He was standing there.

Q. In conversation with anybody?—A. With nobody.

Q. Did you see any other person about there walking up and down the street?—A. I did not.

Q. Do you know Mr. Masich?—A. Yes, sir.

Q. Did you see him there that morning?—A. No, sir.

By Mr. CONGER :

Q. How long were you on the premises?—A. I suppose I was there some three hours.

Q. What time did you get there?—A. When I got there it was between 3 and 4 o'clock; it was late in the afternoon.

Q. What time did you take the cigars away?—A. We got them to the custom-house about dark; it took us some little time to load them.

Q. You did not employ draymen there?—A. No, sir; we first entered to ascertain that there were goods in the place; after finding them, I told Mr. Wynne, one of the inspectors, to go and secure a drayman to haul the goods away; he went and got three; when he returned, Mr. Detiege and myself had made the packages as few as possible, and had everything ready for them to load on the drays as soon as they returned.

Q. Did you load them from the same door-way you went in?—A. Yes, sir; the same door-way we entered.

Q. Did the drays go in this yard up to that door?—A. Yes, sir; it was the only entrance through which a dray could get in there; that way was open, and any dray could go in there.

Q. There was a gate leading into the general yard there?—A. Yes, sir; there was a large gate and a small gate; the small gate was used for a general entrance; by opening the small gate you could open the large entrance; all other entrances were locked, and this was the only entrance you could go in by.

Q. How was it about the door into the shop where the cigars were?—A. I took a locksmith with me, who opened that door.

Q. Then that door was locked, was it?—A. That was locked.

Q. I understood you to say at first that that was not locked?—A. Yes, it was.

Q. The outside gate-way was not locked?—A. No, sir; this was a small house standing in an inclosure; every door to that was fastened in one way or the other, but the entrance to the vinegar-factory and the outhouse were on the same lot, and they were all perfectly open.

Q. The small gate was open, and when you got inside you could open the large one?—A. There was a bar on the large gate which you could remove.

Q. And through that you drove the teams in there?—A. Yes, sir.

Q. And loaded the cases and went out that way?—A. Yes, sir.

Q. Did you examine the other end, to see if there was a door-way there?—A. I examined and saw there was one there, but it was locked.

Q. At what end of the building were those hogsheads piled up? Would that have been across the end where the other door would have been?—A. No, sir; it was not.

Q. Were there on any of these boxes or any case any custom-house stamps?—A. There were none, sir. I examined every case singly and separately after I took them into the custom-house the next morning, and there was no stamp on any of them.

Q. Neither internal-revenue nor custom-house stamps?—A. There was no stamp of any kind whatever on any of them.

Q. There was no writing on them, or any direction, or any name?—A. No, sir; there was none on them that I know of.

Q. Did they have the usual foreign marks?—A. They did not look to me to be foreign cases. The contents of the boxes were evidently foreign, but the outside of the cases showed nothing to me to indicate that they were foreign cigars.

Q. Did they have any stamp of the makers or the brand of cigars that they were on the outside of the boxes?—A. The outside of every box represents the maker.

Q. Did these boxes have the maker's name on them?—A. They did have them.

Q. But they had no American customs stamp or internal-revenue stamp?—A. No, sir.

Q. When you say that they appeared like American boxes, you mean American-made cases?—A. I mean cases. I am speaking of the large outside cases.

Q. How was it about the small boxes in the cases?—A. The boxes were imported boxes.

Q. They had such indications on them as would show that?—A. They had enough to tell them by; there are various ways by which we can tell the boxes, and then we knew it from the fact that the appraiser, who is a better judge of such matters than we are, decided that the cigars were imported; that is all I have to go by; I have made thousands of seizures of cigars that were domestic cigars; those we always turn over to the internal-revenue department, but custom-house or imported goods are, if seized, retained in the hands of the collector and sold by him.

Q. If they are imported goods, they are chargeable with duty as well as internal revenue?—A. Yes, sir; with both.

Q. If they are of domestic manufacture, they are chargeable only with internal revenue, and the custom-house, in such a case, would not deal with them?—A. The custom-house department has nothing to do with them.

Q. Did Mr. Bailey exhibit any sign of opposition to your making any investigation or only to your going into the place in that particular way?—A. He made so much opposition that I had to threaten him with arrest.

Q. Did he say anything about your going around to another door?—A. He told me I should not go in there; I told him, "Mr. Bailey, this is the only door that we have ingress by to this place without a key." He said, "Then you have got to go and get a key." I said, "I won't wait to get a key; I have a warrant." He said, "I do not respect your warrant." I said, "You have got to get out of the way," and I pushed him aside and went in through the door and made the seizure.

By Mr. VANCE:

Q. Did Mr. Bailey offer resistance to your entering the shop after you got in there?—A. He offered to prevent my going into the yard.

Q. I am talking about the shop after you entered the yard.—A. No, sir; not into the shop.

Q. Did he tell you that there was another entrance to the yard?—A. No, sir.

Q. What did he tell you when you got to the gate?—A. He wanted to prevent my going in there.

Q. What took place between you?—A. I told him I was going in there.

Q. What did he tell you?—A. He said I could not go in. He said, "Let me see your warrant;" and I gave him the warrant, and let him read it. He said, "This is not the way to get into this place." I said, "Mr. Bailey, this is the entrance into that place, and that is where I want to go. He said, "I don't care if it is, you cannot go in there." I said, "I will go in there;" and I shoved him aside, and raised the latch and went in, and found the goods. Mr. Bailey finally wanted to prevent me from making a seizure of the cigars.

By the CHAIRMAN:

Q. You say he told you to go some other way, but by that other way you had to pass through a door that was locked?—A. He read the warrant I had, and said, "You cannot go in this way." I said, "Why not? I want to get to that shanty." "Well," said he, "you cannot go in this way; your warrant is to go the other way."

Q. Did he indicate some other way?—A. No, sir.

Q. What did he mean by saying you could go some other way where the door was locked?—A. He did not say that to me; no, sir.

By Mr. VANCE:

Q. What did he mean by saying, "This is not the way to get there?"—A. I do not know what he meant.

By the CHAIRMAN:

Q. Was there not another way by which you might have reached this shop in which the cigars were other than the particular way you were taking?—A. There was another way. I could have climbed the fence; that was the only other way.

Q. Was not there any other entrance on another street?—A. There was none other that I know of.

Q. No other entrance that was locked up?—A. There was none other that I know of.

Q. You are acquainted with the fact that Mr. Bailey had reported that there were some suspicious circumstances occurring at that place?—A. He said that goods had been stolen from his vinegar-factory.

Q. You were acquainted with the fact also at that time that he had seen Mr. Kinsella, and had desired him to investigate this matter?—A. He had desired him to look after his stolen property.

Q. You were acquainted with the fact also that he gave the information to Mr. Kinsella upon which this warrant was issued?—A. He did.

Q. And that in that warrant the place where this cooper-shop was located had been specified?—A. Yes, sir.

Q. Did he state to you at the time that that warrant did not locate the cooper-shop in the direction you were taking, but on another street?—A. No, sir, he did not; the warrant indicated the way I was going, and I was following the warrant.

Q. How do you reconcile your opinion that he intended to resist, so far as he could, your making any search for cigars at this shop, when he had taken so much pains to have you appointed to look into the matter?—A. Because he met me at the entrance by which I was going in there and attempted to prevent me from going in.

Q. Your opinion, then, that he desired you not to make the search is founded solely upon his behavior and conduct to you at the gate-way?—A. Yes, sir.

Q. And upon no other grounds?—A. Upon no other grounds.

Q. All the other facts in the case would go to show that he desired the search to be made?—A. Yes, sir; for his stolen property.

By Mr. VANCE:

Q. Were you acquainted with the fact that Mr. Bailey had called on Mr. Kinsella on the Saturday or some other day previous to this seizure?—A. I was acquainted with that fact.

Q. Were you acquainted with the fact that he had taken Mr. Kinsella's son out there and had entered the shop and discovered the cigars?—A. No, sir.

Q. Have you since been made acquainted with that fact?—A. No, sir; because nobody ever knew that there were cigars there until I went there myself.

By the CHAIRMAN:

Q. How then do you explain the fact that you have stated, that you were going in the same way that Mr. Kinsella's son had got in?—A. Because he had gone in through that same gate.

Q. How do you know that?—A. Because he had told me so; he did not go to get cigars, though.

By Mr. VANCE:

Q. But he had been out there?—A. He had been out there but they did not discover cigars, nor even cigar-boxes; they only found pieces of cigar-boxes.

By Mr. NEW:

Q. Did Mr. Kinsella at that time hold any other place that you know of except his place as special agent for the Treasury?—A. No, sir; he did not.

Q. That was the only place he held?—A. The only one.

By Mr. WHITAKER:

Q. Did you find there any case containing 30,000 cigars in that cooper-shop?—A. No, sir; there was no case as large as that.

Q. Did you ever see such a case?—A. No, sir; I never did.

Q. Did you leave any such case containing 38,000 cigars behind you when you made that seizure?—A. I did not leave one cigar-case behind me; I am certain about that.

Q. You made a careful search?—A. I made a careful search.

Q. Who made the affidavit on which that warrant was issued?—A. I think I made the affidavit myself from information received.

Q. Might it not have been young Mr. Kinsella that made the affidavit?—A. It might have been.

Q. It was one of you two?—A. Yes, sir; it was made in the office.

By the CHAIRMAN:

Q. Do you say that you made it?—A. I will not be positive about it; it was made by some one in the office, however.

By Mr. WHITAKER:

Q. Was that affidavit made after this examination which young Mr. Kinsella had made below the surface of the ground?—A. Yes, sir; the affidavit was made after that.

Q. After he had crawled under the building and peeped through the cracks and seen the cigars?—A. Yes, sir; it was made after that.

Q. After he had returned, and not on Mr. Bailey's statement, some one in the office, which was either you or Mr. Kinsella, made an affidavit on information received, on which that warrant was issued that led to the seizure of the cigars?—A. Yes, sir.

Q. And up to that time neither you nor, as far as you know, Mr. Kinsella nor his son, had any definite information that any cigars or smuggled goods of any kind were in that shop?—A. None whatever; there was very little credit attached to what Mr. Bailey said.

By Mr. REILLY:

Q. Had you seen Bailey about this transaction before you saw him that Monday morning?—A. No, sir; I never had met the man to know him in my life.

Q. You met him at the custom-house on Saturday when he called on Mr. Kinsella?—A. I cannot say if I did. I do not remember of seeing him.

Q. Do you not remember any interview between him and Mr. Kinsella?—A. No, sir.

Q. Do you not know whether he stated to Mr. Kinsella that he thought that there were cigars being smuggled in there, and that he considered it Mr. Kinsella's duty to have an investigation made?—A. I am confident, from what Mr. Kinsella said to me, that Mr. Bailey never made such a statement as that.

Q. All you know about it is what Mr. Kinsella said?—A. That is all.

Q. Do you know whether there was any conversation between Mr. Kinsella and Mr. Bailey as to who should make the affidavit?—A. I heard that there was.

Q. When did you first hear anything at all of a suspicion of cigars being smuggled into the vinegar-factory?—A. I never heard of any suspicion of cigars being smuggled there.

Q. When did you first hear of the transaction that led to the seizure?—A. From Mr. Kinsella.

Q. At what time?—A. I cannot fix the date.

Q. Was it on the day you made the seizure?—A. I think it was.

Q. That same Monday morning?—A. That same day. I do not know whether it was Monday.

Q. It was the same day when you made the seizure that you received the first intimation you had of it?—A. When Mr. Kinsella told me to go and get a warrant and search the premises was the day I first heard of it; I do not know positively who made the affidavit. I will not be positive, but I think I made it.

Q. Who placed the affidavit in your hands?—A. I took the warrant myself to a justice of the peace.

Q. And you think you there made the affidavit?—A. I will not be positive about that, sir.

Q. This was an affidavit that was made before a justice of the peace?—A. All our affidavits are made before a justice of the peace.

Q. And not before a United States court?—A. No, sir; we never make them before a commissioner, because the law does not allow it.

Q. What time in the day was it that you think you made the affidavit, or that the affidavit was made?—A. I suppose it was about between one and two o'clock; it was in the afternoon.

Q. Where did you go immediately after you had the warrant issued?—A. I went to a locksmith's shop.

Q. Who was the locksmith?—A. He is on the corner of Common and Franklin streets; I cannot name him, but I can find him.

By Mr. NEW :

Q. Do I understand you to say, or do you say, that at the time you went there with that search-warrant you had no knowledge or information that it was the opinion of Bailey, and that he had then expressed that opinion to Mr. Kinsella, that there might be smuggled goods in that house?—A. No, sir; I never said that Mr. Bailey expressed any such opinion.

Q. At that time you had no such knowledge or information and you had not been informed of it or learned in any way that such was his opinion?—A. Not from Mr. Bailey.

Q. You did not have that opinion at all from any source?—A. I had from other sources.

Q. From what sources?—A. From Mr. Kinsella's son.

By Mr. REILLY :

Q. How long had you been there before you sent one of your assistants for the drays and before the drays came back?—A. I suppose we were two hours or may be three hours or may be three hours and a half; I will not state the time exactly.

Q. Did you see any dray near the place—say within a square or so?—A. No, sir; if there had been any I would have hired them.

Q. Did you know this man Williams?—A. Yes, sir.

Q. Did you see him there that morning?—A. No, sir.

Q. How long did it take you before you had the goods all seized and loaded and sent away; how long did you remain from the time you went to make the seizure until the time you left the premises and had everything secured?—A. I suppose it took us about three and a half hours or four hours, possibly three hours—it was dark when we got to the custom-house.

Q. Where had you been that morning before you got the warrant?—A. That would be a difficult question to answer.

Q. Had you been at the custom-house?—A. Yes, sir; I am there every morning.

Q. Were you there this particular morning?—A. Yes, sir; I am there every day, Sunday and every other day, but I cannot tell you about this one day. I make it a point to be there every day.

Q. How long had you been at the custom-house that morning before you gave your attention to the getting out of this order?—A. I cannot tell.

Q. Did you have any intention of looking into this matter when you went to the custom-house that morning?—A. No, sir; I had not.

Q. Whatever instructions you gave or whatever acts you did in connection with the matter were done after you got to the custom-house?—A. I acted from instructions received from Mr. Kinsella.

A. And you had heard nothing about it on Saturday or on Sunday, and not until you got to the custom-house on Monday morning, or the day when the seizure was made?—A. It was the day the seizure was made; I do not know what day it was.

Q. Did you ever make any efforts to ascertain the owner of the smuggled goods?—
A. I have tried every effort; I have offered Mr. Williams money, and have frequently paid him half a dollar or a quarter of a dollar, so that if he should find this man Cassidy he should show him to me.

Q. Did you ever examine Mr. Bailey?—A. I have.

Q. Did you seek to get information from him?—A. I have asked it from him. Mr. Bailey's reply to me was: "I will not tell you; but I know." I said, "Bailey, there is a way of making you tell." He said, "If I am put in the parish prison for not telling, I will not make it; the man that did it would pay me for not telling it."

Q. Have you the matter under investigation still?—A. If I can ever find the man, I will; I think this colored man Williams will tell me if he ever sees the man.

NEW ORLEANS, *June 15, 1876.*

THOMAS H. WYNNE sworn and examined.

By Mr. WHITAKER:

Q. Where do you live?—A. I live in New Orleans, at 109 Thalia street.

Q. What is your occupation?—A. Inspector of customs.

Q. Do you remember anything about a seizure of cigars at a cooper's shop in the yard of Bailey's vinegar-factory, in December, 1873?—A. Yes, sir.

Q. Were you one of the officers who assisted in making that seizure?—A. Yes, sir.

Q. Had you any knowledge of anything connected with the contents of that cooper's shop before you were detailed for that special service?—A. No, sir.

Q. Under whose orders did you act in making the seizure?—A. Under the orders of Mr. Hutchinson.

Q. When you went to the vinegar-factory, who went with you?—A. Mr. Hutchinson, Mr. Detiege, and myself went.

Q. Did you take any dray, or float, or anything of that kind with you?—A. No, sir.

Q. Whom did you find at the factory, in the yard, or about the premises?—A. We did not find anybody in the yard. Mr. Bailey met us before we went into the place.

Q. How near to the place?—A. Perhaps ten paces from the gate.

Q. Had you explained your business, or did any of the three of you explain your business there to him?—A. Yes, sir; it was explained to him.

Q. How did he receive you?—A. He wanted all the information relative to the warrant, and all that sort of thing.

Q. Did he see the warrant?—A. Yes, sir.

Q. After he had inspected the warrant, what did he say, and what was said by any of your party in your hearing?—A. He refused to let us enter.

Q. Did he give any reasons for his refusal?—A. I do not remember that he did.

Q. Did he make any attempt to prevent your entrance?—A. Yes, sir.

Q. What was the result of that attempt; did he succeed?—A. No, sir.

Q. Did he attempt forcibly to keep you out, or stand in your way?—A. He stood between us and the gate, and attempted to forcibly prevent us from going in.

Q. You went through the gate, then?—A. Yes, sir.

Q. And went into the cooper's shop through the yard?—A. Yes, sir.

Q. What did you find there?—A. We found 171,800 cigars. I believe that was the number. We also found a lot of old boxes and stuff of that sort.

Q. Were there any hogsheads?—A. Yes, sir; hogsheads.

Q. Did you see any one else about the place besides Mr. Bailey?—A. Yes, sir; I saw a colored man come out of the stable. After we got inside the yard there was a stable; there were four buildings in the square.

Q. Do you know who that colored man was?—A. I do not know who he was. Mr. Bailey was cursing him.

Q. What did you do with the cigars?—A. We brought them to the custom-house.

Q. Do you remember about how many cases there were of the cigars?—A. Originally there were about twenty-four cases, but when they were repacked they made thirteen large dry-goods cases.

Q. Did you ever inspect those cigar-boxes, or have anything to do with handling them afterward?—A. Yes, sir.

Q. Do you know if there were any stamps of any kind on these boxes?—A. No, sir; there were not.

Q. In no instance?—A. No, sir.

Q. Where were they placed in the custom-house?—A. In No. 1 warehouse.

Q. That was the last of your connection with it?—A. We had to count them over in the warehouse, and take a receipt for them, and get them in charge of the officers there.

Q. In counting them over, you handled them box by box?—A. Yes, sir.

Q. And you are positive that there was no stamp on any of them?—A. Yes, sir.

Q. And the only white man you saw about that vinegar-factory was Mr. Bailey?—
A. Yes, sir.

Q. Do you remember the terms of the conversation, if there was any, between Mr. Bailey and Mr. Hutchinson at that time at the factory, either in substance or the words?—A. Yes, sir. The substance of it was that Mr. Bailey would be put under arrest.

Q. Under arrest for what?—A. For attempting to prevent our going in there.

Q. Did you think from what you saw that there was likelihood of your being compelled to resort to an extreme measure like that?—A. Yes, sir.

Q. Did you imagine that there was going to be a necessity to arrest Mr. Bailey in order to enable you to get access to the cigars?—A. Yes, sir. I stopped another officer from putting him away from the gate in a hurry.

Q. In addition to your holding your present position in the custom-house, you have been sergeant of police for many years?—A. Yes, sir.

Q. And have held many public employments?—A. Yes, sir.

By Mr. REILLY:

Q. What way did you go out of the cooper-shop after you got through with the cigars?—A. We came out on the Bienville-street entrance.

Q. There was just as much an entrance on Bienville street as there was the way you went in?—A. We entered on Bienville street.

Q. Is that where the gate is?—A. That is an entrance to that square. There are four buildings in the square, and I believe that is the only gate that was not locked.

Q. Did you go out the same way you went in?—A. Yes, sir; we had the large gate opened.

Q. What street is the gate on?—A. Bienville street.

Q. What street was it that you met Mr. Bailey at?—A. Bienville street.

Q. Where did you load the goods?—A. In the yard, or rather in the square.

Q. Which way did they go out?—A. The same gate, on Bienville street.

Q. Did you notice a door opening out on any of the other streets?—A. No, sir, I did not see any door open there. I saw gates, but it seemed to me they were all closed or nailed up. The place was in a dilapidated condition.

Q. What is the name of the other street that runs by this building besides Bienville street?—A. Conti and Rocheblave streets.

Q. To which one of these streets was the particular building in which these cigars were found nearest?—A. I think it was fronting Rocheblave street.

Q. Was any street named in your warrant?—A. I do not know.

Q. Did you read the warrant?—A. I did not.

Q. Do you know whether Rocheblave street was named in it as describing the locality of the place?—A. I do not know that.

Q. Was not the only objection Bailey made to the mode of your entrance there that you attempted to enter on the wrong street?—A. I do not think that was the case.

Q. Did not he say that you should go around to the other street, that the warrant did not describe the entrance through which you were attempting to go, but specified where the building was, and stated that it was on Rocheblave street?—A. I do not think he did, but I do not remember.

Q. You are not certain about that?—A. I am not certain.

Q. What time in the day was it when you went there?—A. I think it was about 2 or 3 o'clock.

Q. Had you seen Mr. Bailey that day before?—A. No, sir.

Q. You had no information about this matter except when you received your instructions to accompany the officer to go and make the seizure?—A. Yes, sir; just to execute the papers.

Q. Have you ever seen the colored man whom you saw come out of this stable since?—
A. No, sir; I do not think I have.

Q. Had you seen him before that time?—A. No, sir.

Q. You do not know who he was?—A. No, sir.

Q. Have you any knowledge of him?—A. No, sir.

Q. Did you see any drays around those premises?—A. No, sir.

Q. It took you the balance of the day to make the seizure, secure the goods, and have them sent to the custom-house?—A. Yes, sir.

By Mr. NEW:

Q. Do you remember observing whether there was a door on the side of the shop that fronted on Rocheblave street?—A. Yes, sir; there was.

Q. Do you remember whether that door was spoken of by you and Bailey or by either of you?—A. I do not remember. I do not think it was. I think the door was fastened up, if I remember correctly.

Q. Did you observe to see that it was fastened?—A. I looked around, after we got through, everything that was there.

Q. Did not you go to that door when you first got there, and discover that it was locked?—A. No, sir.

Q. Do not you remember that Bailey called your attention to that door, and that you told him it was locked?—A. Bailey did most of the talking to Mr. Hutchinson.

Q. Do not you remember that Bailey spoke of the door, and that either you or Hutchinson then said to him that that door was locked?—A. Such a conversation might occur. I do not remember.

Q. You do not remember whether it did or did not occur?—A. No, sir.

By Mr. CONGER:

Q. Did this building stand out to the street, or was it all inside of the yard?—A. It stood on the *banquette* front, on the street, on a line with the fence.

By Mr. REILLY:

Q. Fronting what street?—A. Rocheblave street.

By Mr. CONGER:

Q. One side of the building formed, then, what would be the fence-line?—A. Yes, sir.

By the CHAIRMAN:

Q. Was there a door in that part of the building fronting on the street?—A. Yes, sir.

Q. If it had been opened, the building would have been open to that street?—A. Yes, sir.

Q. There were, then, other ways to get into this shop than the particular way which you took?—A. Yes, sir; I believe there was, if they had not been nailed up.

Q. Were they nailed up?—A. I am not certain about the nailing up, but I think so.

Q. You would have gone up Rocheblave street, broken open that door, and gotten into this shop that way?—A. Yes, sir; if we were allowed to break doors in such cases.

Q. If you had a key to that door you could have gone in that door instead of going by Bienville street, as you did go?—A. Yes, sir.

By Mr. VANCE:

Q. Did your locksmith, as it was, open the door or pick the lock?—A. He picked the lock with a key.

Q. Had you a search-warrant?—A. Yes, sir. The entrance on Bienville street seemed to be the entrance that was used.

By Mr. CONGER:

Q. Had you learned from Mr. Kinsella's son which way he went into the shop?—A. He told me he had been there some time previous to go through the vinegar-factory.

Q. And you went in by the same entrance he told you that he had gone in by?—A. He told me he had been in there that way some few weeks previous.

By the CHAIRMAN:

Q. Did he say that it was some few weeks before that he had been there?—A. Yes, sir; I am pretty certain of that.

Q. And he told you that he had been through Bailey's vinegar-factory?—A. Yes, sir; the factory is in the same square.

Q. Did he tell you that he had gone with Mr. Bailey?—A. No, sir; not then.

By Mr. REILLY:

Q. When did he tell you that?—A. About the time of that seizure.

Q. The same day?—A. I think so.

Q. Was it before or after you received your instructions to accompany the officer?—A. I do not remember; it was some time about the seizure.

By Mr. CONGER:

Q. Do you know whether this is the same son of Mr. Kinsella that went up with Mr. Bailey to make a search there on the Saturday previous?—A. Yes, sir; I think so.

By the CHAIRMAN:

Q. What did this young man tell you about his first visit to the factory?—A. He told me that they had gone through the vinegar-factory some time previous to that on a warrant. I do not remember whether it was on a warrant or not, but I think it is likely that it was.

Q. Did he tell you what he had seen there?—A. He told me he had got nothing there; his building and the factory were not entered.

Q. Did he tell you that he had been into this lot?—A. No, sir.

Q. He only said that he had been to the vinegar-factory?—A. Yes, sir.

Q. Was it possible, from your knowledge of that locality, for a man to have carried on business in this shop where the cigars were found and never necessarily to have

gone into Mr. Bailey's vinegar-factory at all?—A. Yes, sir; he could do business in his place without going into Mr. Bailey's vinegar-factory at all.

Q. He would then use the door on Rocheblave street?—A. Yes, sir; the place on Rocheblave street fronts the south; the vinegar-factory is on the east of the square. There is some considerable distance between the two of them.

Q. So that, by using the door fronting on Rocheblave street, the occupant of that building might have carried on his business entirely independent of the vinegar-factory?—A. Yes, sir.

Q. And without ever going into it at all?—A. Yes, sir.

By Mr. WHITAKER:

Q. Which entrance was the one that seemed to be used generally?—A. The one on Bienville street.

Q. Did you see any evidence about the other entrance of its having been used recently at the time of your visit?—A. No, sir.

By Mr. VANCE:

Q. Did you make any determination to see whether the door on Rocheblave street had been used?—A. Yes, sir.

By the CHAIRMAN:

Q. State the facts or circumstances on which that opinion or belief is founded.—A. We were attempting to find out who had charge of this place, and the negro who was there claimed to know nothing at all about it. There is a dwelling-house there, a place where some one seemed to sleep. There is a stable and a vinegar-factory, as well as this shanty.

Q. Is it not the fact that this entrance, through which you passed, opened into Mr. Bailey's yard, which was the yard of the vinegar-factory?—A. The whole yard was one square; it is an entrance to the whole square.

Q. But did not Mr. Bailey use it in connection with the business of his vinegar-factory?—A. It seemed to be the main entrance for all the business connected with the square.

Q. But was it not the entrance proper to Bailey's vinegar-factory?—A. No, sir; I should think not.

Q. What other business do you know of being carried on there?—A. I do not know of any other business being carried on there. There was a stable there, and I believe there were two horses in the stable.

Q. Do you know to whom they belonged?—A. No, sir.

Q. If you do not know of any other business carried on there, how can you say that this entrance did not belong to Bailey's vinegar-factory, as that was a business carried on there?—A. Because Bailey's vinegar-factory fronts on the eastern side of the square, and it should have its entrance on that. It was a roundabout way to get into the vinegar-distillery.

Q. Could not the business that was carried on in this shop have been conducted entirely by its Rocheblave street door?—A. It could have been done so.

By Mr. CONGER:

Q. If that place was used for a cooper's shop, there was no place on this other street, Rocheblave street, to keep the cooper's stuff or material?—A. I saw none.

Q. If it was used as a cooper's place, the place for the material to be stored would be in that same yard?—A. I think it was a cooper's shop. I saw hogsheads and shavings there, and I took it for granted that it was used for that purpose.

Q. Then the shop was used for a purpose which would require the material of the business to be stored in this yard?—A. Yes, sir.

By Mr. REILLY:

Q. Have you been up there recently?—A. No, sir.

Q. Do you know whether it is now being used as a cooper's shop?—A. No, sir. I have never been there since the seizure.

NEW ORLEANS, June 15, 1876.

CLERMONT F. GLAUDIN sworn and examined.

By Mr. WHITAKER:

Question. Where do you reside?—Answer. Two hundred and ninety-five Carondelet street.

Q. What is your business?—A. I am an inspector of customs, detailed to the new canal as boarding officer.

Q. How long have you been there?—A. About four years.

Q. Do you remember having received any special instructions with reference to suspected instances of smuggling cigars by way of the new basin in connection with the Bailey vinegar-factory case?—A. I believe I did.

Q. From whom did you receive your instructions; what were those instructions; what information did you receive, and what did you do in regard to it?—A. I believe it was in 1873 that Mr. Kinsella, the special agent, came one evening to the office and told me that he had received information that eight or nine hogsheads were hauled by way of the new canal to the Magnolia bridge. We examined the arrivals of that day and of that week and the week previous, to ascertain the name of the vessel and her whereabouts, and he gave me positive instructions to ascertain her present whereabouts, which I tried to do, but was unsuccessful.

Q. What information did you find?—A. Somebody had heard it or had heard somebody speak of it, but they knew nothing definite about it.

By Mr. REILLY:

Q. Have you held any other position during the time you have been in the employ of the custom-house?—A. No, sir.

Q. Or since four years ago?—A. In 1874, I was a member of the general assembly, but I was not a custom-house employé, for I resigned and my resignation was accepted by the collector.

Q. You received no pay from the custom-house during the time that you held the seat as member of the legislature?—A. No, sir.

Q. Were you employed in the custom-house during the time of your term?—A. My term was very short. I only served a month and a few days. I did not serve the whole session.

Q. Did you resign?—A. Yes, sir.

Q. And went back to the custom-house?—A. Yes, sir; about twenty or twenty-five days after.

By Mr. VANCE:

Q. When were you elected to the legislature?—A. In 1872. I contested my seat, and the contest was decided in 1874.

Q. Did you hold a commission from the governor or did your opponent hold it?—A. My opponent had it.

Q. You contested the seat however?—A. Yes, sir; I contested it.

Q. When were you admitted?—A. I was admitted in the latter part of 1874. I do not remember the date. I know my term was very short, for I resigned after serving a month and a few days.

Q. Did you ever hear of any other public man resigning a good office?—A. No, sir.

By the CHAIRMAN:

Q. Did you know of any other members of the legislature who were in the custom-house?—A. No, sir.

Q. And you do not know of any now?—A. No, sir.

NEW ORLEANS, *June 15, 1876.*

JOHN J. WHITE sworn and examined.

By Mr. WHITAKER:

Question What is your occupation?—Answer I am a messenger of the deputy collector's office.

Q. Where do you reside?—A. Three hundred and twenty-four Melpomene street.

Q. Have you been, during your term of office as a messenger, constantly employed at the custom-house?—A. Yes, sir.

Q. Did you hold a position there as inspector at one time?—A. No, sir.

Q. Have you ever been employed as a cook, or in any similar capacity, at the deputy collector Herwig's house?—A. No, sir; I have not.

Q. Have you ever been in the habit of washing off his banquette?—A. I have gone to his house after my office-hours.

Q. During your office-hours, have you been there?—A. No, sir.

Q. What were those office-hours?—A. The office-hours are from 9 o'clock till 3, but I am always in the habit of going there at half-past 8 and leaving at half-past three. Sometimes I leave earlier than that, but I never yet left before 3.

Q. So you may have done something at some time at Mr. Herwig's house, but, if you did, it was never during the hours of business?—A. No, sir; I never did during the hours of business.

Q. What other position did you hold before you were appointed messenger at the time the reduction took place?—A. I was in the weigher's department.

Q. What is your salary now?—A. My salary is \$600 a year.

Q. Do you receive any other pay or compensation in any other way than that?—A. No, sir.

Q. Do they call you Joe?—A. No, sir.

Q. Who is the Joe that has been referred to before this committee?—A. There is no such man. He never worked there in the custom-house for Mr. Herwig.

Q. You do not know any such man?—A. No such man was ever employed there to my knowledge.

By Mr. CONGER:

Q. Is there any such man as Joe employed about Mr. Casey's house?—A. No, sir; nor about Mr. Herwig's. I have known Mr. Herwig since 1867.

Q. How long have you been able to know whether such a boy has been about his house or not?—A. I have been able to know that since 1867 or 1868.

Q. And nobody ever calls you by the name of Joe?—A. No, sir; no one.

By Mr. WHITAKER:

Q. You know that Mr. Herwig has no one employed about his place that could be named Joe?—A. No, sir.

NEW ORLEANS, *June 16, 1876.*

J. M. DAVIS recalled.

By Mr. WHITAKER:

Question. I believe all the cigars entered at this port from foreign countries have passed under your inspection since you have been cigar-inspector?—Answer. Yes, sir.

Q. Is it not your duty to affix the stamps as required by law on all importations of cigars to this port?—A. Yes, sir.

Q. Do you know of a single instance coming under your supervision in which cigars have been entered at this port where the necessary tax-paid stamps have not been affixed to the boxes?—A. It is the custom for all cigars coming to the port, whether in bond or otherwise, to come to my room and I affix what is called the customs-stamps.

Q. Whether they come into the custom-house or not?—A. No matter where they come.

Q. Do you know of any instance where cigars have been taken out of your room without those stamps?—A. No, sir.

Q. And where cigars have been withdrawn for consumption, do you know of an instance where they have not also had affixed the internal-revenue stamps?—A. No, sir.

By the CHAIRMAN:

Q. Do you affix the internal-revenue stamps also?—A. Yes, sir.

Q. Both customs and internal-revenue stamps?—A. Yes, sir.

Q. When you say no cigar-boxes have gone out of your room without these stamps, you mean that none have gone out to the best of your knowledge?—A. I could swear to it. I never saw any; not only that, it would place me in a difficulty.

Q. If any had gone out without your knowledge it would involve your crimination?—A. Yes, sir.

Q. You can say that you have been honest in the performance of your duty?—A. Yes, sir.

By Mr. WHITAKER:

Q. It is understood that any testimony you may give cannot by law be used against you in any criminal prosecution. Could so large a number of cigars as thirty, forty, or seventy thousand be taken out of your room, duty unpaid, without your knowledge?—A. No, sir.

Q. And during the six years you have been employed, did ever such an instance occur?—A. No, sir.

By the CHAIRMAN:

Q. Do you mean to say that no fraud could possibly be perpetrated against the Government in the department that you belong to?—A. No, sir; as far as I am concerned it could not.

Q. Do you not think is possible for cigars to be brought into that room and be taken out of it without your knowledge?—A. No, sir; I don't think so.

Q. You are always there?—A. I am always there.

Q. No other person has access to your room except yourself?—A. Yes, sir; there are three men who work with me.

Q. Is it not possible that in your absence these three men could perpetrate a fraud

against the Government?—A. No, sir; when the cigars come into the room there is an order sent to me to inspect and stamp them.

Q. Are you ever sick.—A. I don't think I have missed one hour in the whole six years of my duty on account of sickness.

Q. Are you ever absent?—A. I have never been an hour away.

Q. Have you been present and ready for duty all the time?—A. I have not missed an hour in the whole six years.

Q. Has anybody else access to that room besides yourself?—A. The laborers who work with me.

Q. When you are not there, outside of office-hours, these laborers could enter the room?—A. They could not get in; they would not be allowed in.

Q. Who would prevent them?—A. The storekeeper.

Q. Is he there night and day?—A. He is there until he locks up tight with a patent padlock.

Q. Is the storekeeper there night and day?—A. He is there all day.

Q. Is he there night and day? That is a plain question and can be answered by yes or no.—A. No, sir.

Q. Are you prepared to swear that with the connivance of this storekeeper and the laborers a fraud might not be perpetrated on the Government?—A. I don't think it could; I could not swear.

By Mr. WHITAKER:

Q. Could any large number of cigars be taken out of that cigar-room without your knowledge?—A. Not in business-hours.

Q. Do you know when cigars come in there?—A. Yes, sir.

Q. Could any large number of cigars be taken away from there without your noticing their absence?—A. No, sir.

Q. Have you ever noticed the absence of cigars that were received there except when that absence was created by the ordinary operation of law?—A. No, sir.

By Mr. REILLY:

Q. I understand you to mean that, so far as you have any connection with the cigars, there is no fraud; that all the cigars you receive and properly count are properly discharged from your custody?—A. Yes, sir.

Q. Suppose there was to be a shipment of twelve cases of cigars and they purported to be sent directly from the vessel to the warehouse, would you know anything about it?—A. No, sir; I would not know it until they came to that room.

Q. If they never were sent there you would never know anything about it?—A. No, sir.

Q. If they were taken out of the custom-house and the Government defrauded of its tax, you would never know anything about it?—A. No, sir.

Q. Have you ever known a thing of that kind to be done? I mean a shipment directly from the vessel to the warehouse?—A. All shipments go, as far as I know, to the bonded warehouse.

Q. Have you ever known a shipment of cigars to go directly from the vessel to the warehouse without going to your room first?—A. To my personal knowledge, no. All I know is that in the general routine cigars came from the ship. I know nothing outside of my room.

Q. If there was an importation of twelve cases of cigars, guava jelly, merchandise, or anything else but cigars, you would have nothing to do with them unless they were sent to your room for the purpose of being counted, and you would know nothing about them?—A. I would not.

Q. If I understand you rightly, you mean that all cigars sent to your room are properly stamped and accounted for.—A. Yes, sir.

NEW ORLEANS, June 16, 1876.

I. J. FENWICK sworn and examined.

By Mr. WHITAKER:

Question. State your place of residence and present occupation.—Answer. One hundred and forty Laurel street, New Orleans. I am a clerk in the custom-house.

Q. How long have you been employed as a clerk in the custom-house?—A. Since the fall of 1868.

Q. Do you remember when the National Republican newspaper was started in this city?—A. In the fall of 1872, I think it was.

Q. You were then in the custom-house?—A. Yes, sir.

Q. Did you subscribe for any stock in that paper?—A. I did.

Q. How much?—A. One share, \$25.

Q. Were you called upon by any person to subscribe for that stock, or was it done on your part voluntarily?—A. Entirely voluntarily.

Q. Your name has been mentioned in connection with subscription to the stock of that paper as one of the parties who had been compelled to subscribe?—A. That is entirely false, and I have made a statement before this committee to that effect.

Q. You have sent such a statement to the committee?—A. Yes, sir.

By Mr. WOODBURN:

Q. Do you know of any intimidation or undue persuasion used by any official toward the men in the custom-house to compel them to subscribe to the paper?—A. I do not.

Q. Did you hear it talked among the men before subscribing for the paper?—A. I have heard a great many say that they took stock, but not that they were compelled to do so.

Q. Did you hear a good many say that they took stock because they were afraid that they would lose their places if they did not?—A. No, sir.

By the CHAIRMAN:

Q. Were you at that time at work in the custom-house?—A. Yes, sir.

Q. What was your position?—A. I was a clerk in the custom-house.

Q. You were a republican, I suppose?—A. Yes, sir.

Q. What was the object, if a public one, for establishing this newspaper?—A. I don't know; it was a campaign paper, like your democratic paper, I suppose; I thought it was to the interest of my party to subscribe to it, the same as anybody else would do.

NEW ORLEANS, *June 16, 1876.*

B. F. STRONG sworn and examined.

By Mr. WHITAKER:

Q. State your residence and occupation?—A. Five hundred and nine Josephine street, New Orleans; I am entrance and clearance clerk, United States custom-house.

Q. How long have you been employed in the custom-house?—A. Since the 1st of May, 1870.

Q. Do you remember about the time the National Republican newspaper was started in this city?—A. I could not tell you as to the year.

Q. Do you remember the circumstance that the paper was started?—A. I do; it was either in 1870 or 1872, somewhere along there. I was employed in the custom-house at the time, at any rate.

Q. Did you take stock in that paper?—A. I had one share, \$25, subscribed for the paper.

Q. Was that act on your part the result of any coercion in any shape, directly or indirectly, or was it voluntary on your part?—A. It was perfectly voluntary on my part. There was no attempt at coercion or compulsion so far as I am concerned. I forwarded an affidavit to the committee in regard to that statement made by Mr. Duncan before the committee the other day. His statement is false utterly.

By Mr. REILLY:

Q. How did you pay for your stock?—A. I paid \$25 in money.

Q. In what way was the payment made, all at one time?—A. Yes, sir; all at one time.

Q. You paid \$25 in cash at the time you got your certificate?—A. Yes, sir; I got the certificate a very few moments afterward.

Q. It was not paid by being deducted from your salary in the custom-house?—A. No, sir; my salary was paid to me in hand. I went to the treasurer of the company and subscribed and got the certificate.

Q. You subscribed for the certificate of stock the same day you got your pay?—A. No, sir; I think it was about the middle of the month when I subscribed; I will not be certain. I know it was not pay-day.

Q. I understood you to say that you got your money?—A. I say when the money was paid to me in hand. I didn't go down right then.

Q. Did you pay your subscription for it all at one time?—A. No, sir.

Q. Was the amount of your share deducted from your salary?—A. No, sir.

NEW ORLEANS, *June 16, 1876.*

G. W. ADAMS sworn and examined.

By Mr. REILLY:

Question. What is your business?—Answer. I am master of the steamer *Amité*.Q. State whether or not you were ever connected in any capacity with the steamship *Margaret*.—A. Yes, sir; I was mate of her two and one-half years.

Q. Between what ports did she ply when you were mate?—A. Between this port, Cedar Keys, Key West, and Havana.

Q. Do you remember carrying on that vessel eleven cases from Havana to this port which were marked H. G.?—A. Yes, sir; I do.

Q. And invoiced as merchandise?—A. Yes, sir; I remember it.

Q. If you have any knowledge of the contents of those cases, please state to the committee what that knowledge is, and how you acquired it.—A. There was some controversy arose between myself, the captain, and the purser about the freight, as the freight was better on cigars and cigarettes than it was on other merchandise, and I suggested to the captain that I go down and see. I did so, and found them to be cigarettes and cigars, and came up and so stated to him.

Q. State to the committee the extent of the examination you made, what discoveries you made from your examination, the quantity and number of cases that you examined, and all about it.—A. I examined them all.

Q. The whole eleven cases?—A. I didn't open the whole of them. Those that I did open were cigarettes exclusively. They were the largest cases. That was No. 10 and No. 11.

Q. What about the contents of any of the others you examined?—A. One of the others was half cigarettes and half cigars, and the balance I could not tell how many cigars and cigarettes there were in each case.

Q. How many cases did you examine that you found contained cigars and cigarettes; how many did you actually examine and open?—A. The whole of them. I examined three of them thoroughly from bottom to top; but the others I didn't examine from bottom to top, only the outside.

Q. State how you made the examination; whether you opened the cases.—A. I opened the cases; I took the tops off. The purser charged the difference in freight up to the parties.

Q. You had calculated your freight in the first place as upon merchandise?—A. The purser said he had.

Q. When you suspected they were cigars, because the freight on cigars was greater than that on merchandise, that led you to make an examination?—A. Yes, sir.

Q. And upon making the examination you found they were cigars and cigarettes?—A. Yes, sir.

Q. Was there any cigarette-paper in any of those cases?—A. None, except what was made up in packages.

Q. Were there any of those cases that contained nothing but cigarette-paper?—A. They were cigarettes made up. There was no case that contained paper alone.

Q. How were those cases marked?—A. H. G.

Q. Were there any other marks on them that you remember now?—A. No, sir. I think that was all the mark; simply H. G.

Q. Do you remember to whom they were consigned?—A. Only from what Mr. Wicker told me in Key West.

Q. Were those cases landed or discharged from your vessel at this port?—A. Yes, sir.

Q. You did not see the invoice yourself?—A. Yes, sir.

Q. Will you state what occurred between you and Wicker about those cases at Key West.—A. Mr. Wicker sent down for me to come to his office. I sent back word by him that I didn't have time; that the ship was going to stay but a short time, and I had freight to put out. He sent down a deputy marshal, I think it was, after me, and asked me to tell him what I knew about it. He said he was satisfied I did know something about it. I declined to tell him anything about it. I didn't tell him I never knew anything about it. He asked me that question repeatedly. He said he would detain me there until I did tell him. I told him all right, he could do it; that he would have to keep me a good long time. He finally took me in his private office and tried to persuade me to tell him; I didn't do it then; he finally got tired, I suppose, and I went back to the shop.

Q. Was Mr. Wicker collector of the port at Key West at that time?—A. No; he was special Treasury agent.

Q. Did any of the custom-house officials at Key West besides Mr. Wicker have any connection with those goods?—A. Yes, sir; Mr. Wicker ordered them to be sealed up, and they were sealed up by his deputy, with the assistance of our crew and myself.

Q. Then you came on your way to New Orleans, and discharged the goods here?—A. Yes, sir; the balance of the cargo was discharged here.

Q. Who paid the freight on those eleven cases?—A. I don't know.

Q. Do you know to whom the freight was charged on the books of the vessel?—A. I don't remember that.

Q. Did you have anything to do with keeping the account of the freight or collecting it?—A. Not at all.

Q. What officer of the vessel did?—A. The purser.

Q. What was his name?—A. I think Mr. Gunter was purser at that time; I am not positive.

Q. Where is he now?—A. I think he is in Galveston.

Q. Do you know of any objection that was made by any person interested in those goods at all as to the extra charge for freight that you made after you discovered that it was cigars?—A. No, sir.

Q. You never heard of any question being raised about it?—A. No, sir; none. I gave the three cases to the wharf clerk, Mr. Evans.

Q. Do you remember now the dimensions of the cases?—A. No, sir; I don't.

Q. The two that were larger than the other nine contained cigarettes exclusively?—A. Yes, sir.

Q. Can you give the committee any estimate about the number that each case contained?—A. No, sir; the cases were about seven or eight feet long and about four feet square across.

Q. Can you form any judgment as to about the number? You are quite familiar with cases; you have been handling and seeing them; give us your best judgment.—

A. No, sir; I could not unless I figured on it.

Q. Give your opinion; would they contain as many as 20,000?—A. A great many more.

By Mr. CONGER:

Q. Where did you examine these goods?—A. In the lower hold of the steamship Margaret.

Q. Where?—A. Crossing the Gulf Stream from Havana to Key West.

Q. Who was present?—A. The second mate.

Q. Who else?—A. No one else.

Q. Was the owner or consignee of the goods there?—A. No, sir.

Q. Was the shipper there?—A. No, sir.

Q. Was anybody that had any interest in those boxes of freight present?—A. No, sir; none, except the officers of the ship.

Q. Is it the custom for officers of the ship to break open packages sent by their line?—A. If they are not properly shipped it is.

Q. Did you go down into the hold, without the presence of any person in interest, and break open packages in the hold of the vessel before delivery? Is that the custom of the line with which you are connected?—A. It is where we expect to get into trouble.

Q. You assume the right to break packages of merchandise on the supposition that you may get into trouble, without anybody being present; that is the case on the line you represent?—A. We took that privilege.

Q. Is that your general custom?—No, sir.

Q. Did you ever do it before?—A. Never, sir.

Q. Do you say that according to your ideas of the duty of an officer of a boat it is right to break open packages in the hold of his boat without any person in interest being present or without their consent?—A. If he thinks that it is liable to get him into trouble or get the ship into trouble, I think it is.

Q. Do you know that there is a law with a penalty prescribed against breaking open any packages by anybody on board a boat?—A. I think there is.

Q. Is it a State-prison offense?—A. I think not.

Q. Does the law except officers of a boat any more than the crew or passengers from its penalties?—A. I think under certain circumstances—

Q. I ask you if you know whether the law makes any exception in favor of the officers of the boat?—A. I don't know.

Q. Then you state to this committee that on the passage from Havana by way of Key West to New Orleans, out in the Gulf stream, in the hold of this ship, you and another officer of that boat, without the presence of anybody interested in the freights, broke open three boxes and took out portions of their contents, do you?—A. I do.

Q. How were those boxes received and marked on your manifest?—A. They were marked H. G.

Q. What else?—A. Nothing else, if I remember rightly.

Q. Was there not anything on them to designate what they were?—A. I think the purser said not, if I remember correctly.

Q. Were they not marked merchandise on the manifest?—A. Yes, sir; they were marked merchandise.

Q. Did you see the manifest?—A. I don't remember seeing it.

Q. Was it the purser that made the examination with you?—A. No, sir.

Q. Who was it?—A. The second mate.

Q. What was his name?—A. George Erwin.

Q. What was your position on the boat?—A. I was chief officer.

Q. Captain?—A. No, sir; mate.

Q. First mate?—A. Yes, sir.

Q. Did the captain instruct you to break open those boxes?—A. He consented to it.

Q. Did he instruct you to do it as captain of the boat?—A. When I suggested it, he did.

Q. Did you make any memorandum of your examination?—A. Yes, sir; I did at the time.

Q. Have you it with you?—A. No, sir.

Q. Who has it?—A. I couldn't say where it is now. It is destroyed, or among some old books and papers.

Q. What memorandum did you make, if you recollect?—A. As to the dimensions of the cases, the number of packages of cigarettes across the boxes from one end to the other, and such memoranda as that.

Q. Do you know that these eleven boxes were marked on the invoice nine boxes of cigars?—A. Not on ours.

Q. Did you have an invoice?—A. It was not marked so on the invoice.

Q. Do you know, or have you learned since, that they were entered on the invoice and certified to before the consul as nine boxes of cigars and two of cigarette paper?—A. No, sir; I don't know anything more than what Mr. Wicker told me.

Q. Were those boxes sealed on their passage to Havana?—A. Yes, sir.

Q. They were sealed and corded from Havana to Key West?—A. Yes, sir; from Key West to this port.

Q. Do you know that those boxes were seized, opened, and examined here on their arrival and forfeited?—A. No, sir; I don't.

Q. Do you know whether they were entered here and the duties paid upon them?—A. No, sir; I don't know anything about them.

Q. You refused to tell Mr. Wicker when he inquired as to the contents of those cases, did you?—A. Yes, sir; I did.

Q. Why?—A. Because I didn't think it was any of my business to tell him.

Q. Did you tell him you had broken upon the boxes?—A. No, sir.

Q. Whom did you tell you had broken open the boxes?—A. The captain.

Q. Who else?—A. No one else.

Q. Ever?—A. Never.

Q. You never told to any one else that you had broken open freight that was sent by your boat?—A. Not that I remember.

Q. How did this committee know that you had broken it open?—A. O, I did to-day.

Q. Whom did you tell to-day?—A. A gentleman here.

Q. Did you tell anybody else before you told a member of the committee?—A. No, sir.

Q. Did you seek an opportunity to tell the committee?—A. No, sir.

Q. How came you here?—A. I was sent for.

Q. Sent for by whom?—A. By the committee, I suppose.

Q. Were you subpoenaed here?—A. Yes, sir.

Q. Have you not told anybody else that you knew anything about this matter before you were sent for?—A. I might at some time.

Q. I know you might, but did you? That is my question.—A. I don't remember it.

Q. You do not remember of telling anybody but the captain before this?—A. I might have told the purser.

Q. Well, the captain and the purser?—A. Yes, sir.

Q. Who was then the captain of this boat?—A. Captain Baker.

Q. Is he still the captain of it?—A. Yes, sir.

Q. And you tell this committee that he authorized you to break open freight on this boat?—A. He consented to it.

Q. Was the hold light?—A. We didn't have a full cargo.

Q. Was it light in the hold of the ship so that you could see plainly?—A. No, sir. It was not very light; we had a light there to see.

Q. Did you take lanterns down?—A. I think we did, if I remember correctly.

Q. How much freight did you have in the hold of the boat at that time?—A. I don't remember exactly. I suppose a copy of the manifest is in the office.

Q. How large a freight did you have?—A. I don't remember.

Q. You must know something about it if you examined the whole of these boxes.—A. There was considerable freight.

Q. Whereabouts among that freight were those boxes?—A. In the forward hold.

Q. Among other freight?—A. Yes, sir.

Q. Above or below other freight?—A. We usually carried some freight in the lower hold.

Q. I do not ask that. How were those boxes?—A. They were in the lower hold.

Q. Were they above or below other freight?—A. They were both above and below other freight.

Q. How much freight was over these boxes?—A. None, directly over them.

Q. Did you raise them up to the deck?—A. No, sir.

Q. Did you move them out of their place?—A. Yes, sir.

Q. Upon other freight?—A. No, sir; the freight above them was between decks.

Q. Was there any freight on top of them in the hold?—A. No, sir.

Q. How much freight was in the hold they were in?—A. Several hundred boxes of sugar; I don't remember how many.

Q. Were any of them over these boxes?—A. None at all.

Q. Eleven boxes lay on top of all other freight, so that you could examine them with lanterns?—A. Yes, sir.

Q. And you never spoke of that to anybody but the captain and the purser?—A. I might at some time, but I don't remember to whom.

Q. Did anybody speak to anybody else, either the captain, purser, or yourself, that you know of, and tell anything about this examination?—A. I don't know.

Q. If you had examined them to correct the matter of freight, why did you not talk to somebody that had come to pay freight?—A. That was not my business.

Q. Was it your business to go and break open these boxes?—A. Yes, sir, with the consent of the captain.

Q. The object was to correct the charges?—A. Yes, sir; the object was to get our freight that was due us.

Q. At what was the freight charged?—A. I don't remember.

Q. Your object was to correct the freight. What was charged as freight on those boxes?—A. I don't remember.

Q. If there were cigars and cigarettes in those boxes, then an examination could not make any better freight, could it?—A. There may have been cigars and cigarettes in them.

Q. If it was cigars and cigarettes on the manifest, an examination could not make any better freight, could it?—A. No, sir.

Q. Do you know that it was not charged on the manifest as cigars and cigarettes?—

A. The purser didn't know what to charge it, and he wanted to find out.

Q. Did he not know that there had been an invoice of the exact contents of these boxes?—A. I could not say.

Q. Had anybody told him that they were not cigars?—A. No, sir.

Q. He had not learned from any source but what they were cigars so far as you know, and yet in that ship, out in the Gulf, you and the second mate, with the consent of the captain, went down into the hold and broke open these boxes?—A. We did.

Q. And took out the contents?—A. To see what they were; yes, sir.

Q. And counted the number of each kind of boxes, cigars and cigarettes?—A. Yes, sir.

Q. So that you must have taken out all of the freight in these three boxes?—A. No, sir; just a tier of cigarettes across.

Q. Is there any difference between the freight on cigarettes and the freight on cigars?—A. I don't know that there is.

Q. So that when they were found to be cigarettes, the freight would be the same as for cigars, would it?—A. I couldn't say.

Q. Do you know how you did settle the freight?—A. I never inquired about that after we landed. I never knew where they were.

Q. Do you know what the invoice said about them?—A. No, sir.

By Mr. WOODBURN:

Q. Can you explain to this committee why Mr. Wicker, at Key West, sent men on board your ship, men to seal up the boxes, if he had no information as to the contents of the cases?—A. Mr. Wicker told me that Mr. Phillips had told him that he was satisfied that it was cigarettes and cigars in those cases, and he himself was satisfied; and for that reason he sealed them up.

Q. Did his men make any examination of them when they went down?—A. Yes, sir.

Q. Did they open any other case outside of the three?—A. They didn't open any cases, but they probed them with a knife.

Q. Could they ascertain by probing them what was in them?—A. Very easily.

Q. How did you suspect that those cigarettes and cigars were in those cases when you first suggested it to the captain?—A. I was satisfied when we took the cases on board in Havana that they were cigars and cigarettes, and when the purser was calculating his freight list he called me in and asked me what I thought was in them. I told him cigars and cigarettes; and he said they were on the manifest as merchandise.

Q. Did you tell the captain what your suspicions were at that time?—A. I did.

Q. Did he indicate the propriety of breaking them open to ascertain the contents?—

A. He said probably it would be advisable, or something to that effect.

Q. At the time they were put on board?—A. No, sir; that was after we had left Havana.

Q. You saw them put on board?—A. I did.

Q. Did you not have a suspicion that they contained cigars then?—A. I was satisfied that they did.

Q. Did you say anything to the captain about it then?—A. Nothing; we were bringing cigars every trip.

By Mr. VANCE:

Q. You stated that you had a conversation with Mr. Wicker, at Key West, after he delivered cigars here?—A. Yes, sir.

Q. You stated that you considered it was none of your business to give information upon the matter?—A. Yes, sir.

Q. What other reason did you have, if any, for not giving information to him in regard to this matter?—A. Sometimes it is as much as a man's situation is worth to tell all he knows.

By Mr. WHITAKER:

Q. Have you ever known any other case of merchandise put on the manifest in Havana marked as merchandise without giving any particular descriptions?—A. No, sir; I never knew any other case of that kind.

Q. You do not know that is frequently done?—A. No, sir; I don't.

Q. How long have you been in that trade?—A. About two and one-half years.

Q. This is the only instance you have known of merchandise to be put on the manifest simply as merchandise without any further description?

The WITNESS. On our ship?

Mr. WHITAKER. On any ship that you have sailed on.

A. It is the first time.

Q. Did you examine this manifest for yourself?—A. No, sir.

Q. So you do not know of your own personal knowledge how it was entered on that manifest?—A. No, sir.

Q. All you know is simply what the purser told you?—A. That is all.

Q. You are satisfied that the eight cases that you did not open contained cigars and cigarettes?—A. Yes, sir; I am.

Q. How do you know, when you did not open the cases, that they were not filled with cigars alone and no cigarettes there?—A. I could see them.

Q. Through the case?—A. Yes, sir.

Q. With the aid of the lantern?—A. A portion of them were all cigars and some half.

Q. How do you know as to the exact proportions of the contents of the cases if you only saw them in the forward lower hold with the aid of the lantern?—A. I saw them on the wharf after they were landed.

Q. I mean the second time, when you made the examination to which you have been testifying?—A. I probed them.

Q. Were they side by side in cases packed together?—A. Yes, sir.

Q. These eleven cases?—A. All together.

Q. How did you probe them; from the top?—A. The top, ends, and sides.

Q. If they were all packed together and they laid properly side by side, how could you get at the ends and sides?—A. They were stowed very loosely.

Q. What kind of weather did you have on the trip?—A. Not very good weather.

Q. They did not rattle about much, although they were loosely stowed?—A. No, sir; they were too heavy to rattle about much.

Q. How much space was there between the cases?—A. Sometimes we pulled one away from the other.

Q. How much space was between the cases?—A. We made as much as we wanted.

Q. How much space was there between the cases?—A. There wasn't any.

Q. What was packed next to them?—A. I don't think anything was stowed next to them; sugar was underneath them.

Q. So you moved them over the sugar, and moved them away, and examined them?—A. We just had to pull one from alongside the other.

Q. Do you know anything about the difference in duty between cigars and cigarettes?—A. I think the cigars pay the most duty.

Q. How did you ascertain that some of the cases that you did not open were half and half? You could not count the tiers of cigarettes nor the tiers of boxes by merely probing at the end and top?—A. Yes, sir; we could tell.

Q. Are not all these cases made with matched boards?—A. They were not.

Q. Are they not usually made that way?—A. I have seen them here on the wharf.

Q. I am talking about your examination in the forward lower hold.—A. That is the best of my judgment; I satisfied myself afterward.

Q. Do you suppose that there were 54,000 cigars in those cases, to the best of your judgment?—A. If there were 47,000 in the lot that were seized afterward, I should say—

Q. I am talking about your judgment of this examination that you made, and not about anything else. I want your recollection of the result of your examination. Were there 54,000 cigars?—A. I should say there were.

Q. About that?—A. More or less.

- Q. How do you make up that estimate?—A. From the size of the cases.
- Q. Tell us exactly how you get at 54,000 more or less. How many cases were full, how many half full, how many did the half cases contain, and how many did the full cases contain?—A. It was just on my own judgment as near as I could tell.
- Q. Were these cigarettes in boxes or were they loose?—A. They were loose.
- Q. All loose?—A. Yes, sir.
- Q. How many did you find in a case?—A. I don't remember.
- Q. They were all regularly ranged in tiers?—A. Yes, sir.
- Q. How many in a tier?—A. I don't remember.
- Q. Did you count them?—A. I did.
- Q. You counted the number of cigars in a tier in these cases?—A. Yes, sir.
- Q. Did you open the boxes sufficiently to take out the loose cigarettes in one tier and count them all?—A. No, sir; I didn't count them all. I only counted one tier across the box and then the depth down.
- Q. And estimated?—A. Yes, sir.
- Q. But you have forgotten what your estimate was?—A. I didn't estimate it myself. I gave it to the purser.
- Q. Have you any interest at all as owner in the steamer Margaret?—A. None in the world.
- Q. What interest had you in the freight?—A. Only to satisfy the purser.
- Q. That was all?—A. That was all.
- Q. Have you ever been called upon by the purser of that or any other vessel to do similar work on any other occasion?—A. Never.
- Q. This was merely a question of freight, then?—A. That is all.
- Q. There was no question involved in regard to the duty in your mind?—A. No, sir.
- Q. It was merely a question between the shipper and consignee and owner of the vessel, or the master, and had nothing to do with customs duties at all?—A. Nothing.
- Q. You mean to say, then, that it was a mere question of freight, and had nothing to do with duties?—A. So far as we were concerned.
- Q. Did Mr. Wicker ask you if you had opened those cases?—A. I think he did.
- Q. How did he come to ask you any question about that, if you had not spoken to any one about it?—A. I don't know.
- Q. Where is Captain Baker now?—A. He is in New Orleans.

NEW ORLEANS, *June 16, 1876.*

AUGUSTUS FERGUSON recalled.

By Mr. REILLY :

Question. You have been sworn before?—Answer. Yes, sir.

By the CHAIRMAN :

Q. Are you a brother of G. W. Ferguson?—A. Yes, sir.

By Mr. REILLY :

Q. State whether you know Mr. Davis, the cigar inspector.—A. Yes, sir.

Q. State whether you have had any conversations with him about your brother.—A. Several times since he has been away.

Q. State to the committee what those conversations were.—A. The first conversation I had with him was when he had received a letter; I forget whether it was before the committee had arrived here, or whether it was a few days afterward; but he told me he had received a letter from my brother, and that he intended to keep it to himself; that he did not want anybody to know anything about it, because they thought in the custom-house that he was in cahoots with my brother; that was his word.

Q. Was anything else said about your brother?—A. No, sir. In the second conversation he asked me when I expected him. I said I expected him to come with the committee. He then asked me to tell my brother to come to his house, as he wished to post him in regard to custom-house affairs; furthermore, that Domingo and Masich were hatching up charges against my brother; that he knew them to be false, but that they were getting men to swear to these things.

Q. Where did you see Mr. Davis when you had this first conversation?—A. I saw him twice in the store.

Q. What store?—A. The store of Frederickson & Hart, where I worked.

Q. Why did he come up there?—A. He came in to see me in the morning.

Q. Where did you have the second conversation?—A. On Canal street.

Q. You happened to meet that time accidentally?—A. Yes, sir.

Q. When was that second conversation?—A. It was about a week or so afterward. I was driving a wagon along there and saw him going to work, and he stopped me.

Q. What did he say to you about your brother coming before the committee?—A. We were both expecting him to be here with the committee at the time, and he told me about these charges that they were hatching up, and that they were going to get men to swear to them; that he knew they were lies, but that at the same time my brother could not prove it.

Q. What did Mr. Davis say about the testimony of your brother?

(Mr. Woodburn objected to the question, because the testimony to be elicited by it is not in contradiction of anything stated by Mr. Davis, or in contradiction of anything contained in the letter heretofore in evidence. The objection was sustained, and the witness left the stand until Mr. Davis could be recalled.)

NEW ORLEANS, *June 16, 1876.*

J. M. DAVIS recalled.

By Mr. REILLY:

Q. Do you know Augustus Ferguson, brother of G. W. Ferguson?—A. Yes, sir.

Q. State whether you had any conversations with him about his brother George since George has left the city.—A. Yes, sir; several times.

Q. When did you have the first conversation with him?—A. It must have been two or three days after I received that letter, I think.

Q. What did you say to him about his brother George, and what did he say to you?—A. I told him that I thought if he could get anything to do in New York, he had better stay there.

Q. Is that all?—A. Yes, sir; I told him I did not think he could ever get anything to do here, and as he had a family to support and several children, if he could get anything to do in New York, he had better stay there. I did that from pure motives of friendship to the man.

By the CHAIRMAN:

Q. Do you mean that he could not get anything to do in the custom-house, or could not get anything to do from anybody in the city?—A. From anybody in the city.

By Mr. REILLY:

Q. Did you have another conversation with his brother about him?—A. I may have had several conversations with him.

Q. Can you remember anything you said in any of the other conversations?—A. I might, if anything was called to my attention.

Q. Try to recollect first, and give us the substance of the conversations, if you had any.—A. I have asked him several times whether he had received any letter from his brother, and he told me either that he had or had not, I forget which.

Q. Did you ask him when he expected him here, whether he expected him to come to the city?—A. Yes, sir.

Q. And he told you yes, he expected him to come about the time the committee came?—A. Yes, sir; that was the first time. Did you say to him then, in that conversation, that when he did come Augustus should be sure to tell George to come and see you, that you wanted to have a talk with him?—A. Yes, sir.

Q. Did you say to him in any of these conversations that you wanted to see him before he testified because you knew as much about these things as he did?—A. No, sir: I did not.

Q. Did you say anything to that effect in any of the conversations?—A. No, sir. I told him I would post him on anything that occurred in town—not in reference to this committee, because I had no idea of coming before the committee. I meant outside.

Q. Did you tell Augustus to tell George to come and see you as soon as he came?—A. Yes, sir.

Q. Did you say to him that you thought he had better stay away; that his testimony would not amount to anything, because they were getting up witnesses here to prove charges against him?—A. I told him nothing about his testimony, because it was all published and I saw it.

Q. Did you say anything of the kind?—A. To the best of my knowledge, I did not.

Q. Did you say anything about them getting up charges against him here?—A. Yes, sir. I told him that there was a report around town that he had been a sergeant of police, and that it was reported around that he had been levying black-mail on whore-houses. Also, that there was another report that he had stolen Government mules and sold them. I may have told him other things, but I told him that.

Q. You did not say anything about his testimony being of no weight here because they would prove these charges against him?—A. I may have told him that, that his testimony did not amount to anything.

By Mr. NEW :

Q. Did you tell him that he had better stay away ?—A. Yes, sir ; if he could get anything to do. I meant if he could get a situation where he could make a living.

By Mr. REILLY :

Q. Why were you interested in his staying away ?—A. I was always a friend of the man, and have proved it on several occasions.

By Mr. NEW :

Q. You do not believe these rumors about his levying black-mail, and stealing mules ?—A. I knew there were such rumors.

Q. You did not believe the rumors, however ?—A. No, sir ; I did not believe they were true.

By Mr. CONGER :

Q. Did you send him any word, or any communication which would lead him to think you did not think he had better come before the committee ?

The WITNESS : Mr. Ferguson ?

Mr. CONGER : Yes.

A. I never had any communication with him at all.

Q. Was this conversation all after he had testified, and you had known of his testimony ?—A. Yes, sir ; after his testimony had been given, and the report had been published in the newspapers.

By Mr. REILLY :

Q. Did you tell Augustus that he should tell George to stay away ?—A. Yes, sir ; I told him to tell him to stay away ; that I did not think the man could get anything to do in this town.

By Mr. NEW :

Q. You knew that he was talking about coming back ?—A. No, sir ; I did not know that he was coming back, only from what his brother told me. I knew his brother said he expected him. He did not say he was coming back.

By Mr. CONGER :

Q. You had already received a letter which you presented here.—A. O, yes ; I did not know he was there until I got the letter.

By Mr. NEW :

Q. I understood you to say the other day that you did not answer Ferguson's letter ?—A. I did not. I never wrote to Mr. Ferguson in my life.

Q. Did you tell any one else of the contents of that letter, and tell him to write about it in any way ?—A. No, sir, I did not.

NEW ORLEANS, June 16, 1876.

AUGUSTUS FERGUSON recalled.

The testimony given by this witness before Mr. Davis was recalled to-day was read.

By Mr. REILLY :

Question. Is there anything further you want to relate ?—Answer. Yes, sir ; in relation to Morrison's testimony of yesterday.

Q. I mean is there anything further you wish to state in relation to the conversations of Mr. Davis and yourself ?—A. No, sir ; except that I believe he could furnish just as much information as my brother could, as he has worked in the same office all the time.

Q. What did Mr. Davis say ?—A. He said nothing more than that to me.

Q. Nothing more than what has been read over to you ?—A. No, sir.

Q. What did he say about your brother staying away from here ?—A. He has asked me several times lately why he did not come, and I told him I did not know.

Q. What did he say in those conversations about your brother staying away, if he said anything ?—A. In the last conversation he told me he thought it was best for him to stay away, as he did not have any money or friends if he came back, and that they were bringing up these charges against him.

Q. Did you have a conversation with Morrison ?—A. Yes, sir.

Q. When ?—A. During the time the committee were in Washington ; when my brother reported about the guava jelly.

Q. Was the conversation about the testimony of your brother ?—A. Yes, sir.

Q. Did you have any conversation with anybody else around the custom-house as to your brother's testimony ?—A. No, sir. Mr. Morrison and Mr. Davis were the only two.

NEW ORLEANS, *June 16, 1876.*

HENRY REHDER sworn and examined.

By Mr. WHITAKER :

Question. State where you reside and where you are employed?—A. I reside at 73 Jackson street, New Orleans; I am employed in the custom-house.

Q. In what capacity?—A. I am Colonel Casey's doorkeeper in the custom-house.

Q. How long have you been employed there?—A. Off and on, ever since 1863. I have been away and come back from Texas where I was in the quartermaster's department in 1870.

Q. But since 1870 you have been there continuously?—A. Yes, sir.

Q. What are your hours in the custom-house?—A. I believe we are on duty from 9 to 3; those are the regular office-hours.

Q. During the time from 1870 to the present have you been in attendance during those hours at the custom-house, except when sick or necessarily absent?—A. I always come to my duty without I am sick, and have a couple of days' absence some time or another.

Q. Have you been called upon by Colonel Casey to perform any service at his house or about there during business hours, except in accordance with your duty as messenger?—A. No, sir.

Q. Have you done any work for him as coachman or housekeeper at his place during business hours?—A. Not in business hours.

Q. When Colonel Casey has been absent from the city you have sometimes slept in his house, have you not?—A. I have taken care of the house in the night, but not in the day time. My family and my daughters have been there.

Q. You have slept there?—A. Yes, sir.

Q. Have you acted as coachman for Colonel Casey, driving his carriage during business hours, except when on duty as messenger?—A. I did not know that he had a carriage.

Q. You never drove one for him?—A. Never a carriage. I drove a buggy, but not a carriage. He had a little buggy for the children.

Q. Were you accustomed to drive the children out during business hours?—A. No, sir; not in business hours. I would sometimes about 5 or 6 o'clock in the evening.

Q. How much pay did you receive in the custom-house?—A. It was a thousand dollars as messenger, but I was cut down to eight hundred.

By the CHAIRMAN :

Q. Do you swear that you never drove that carriage in the day-time, in business-hours?—A. He never had a carriage.

Q. The vehicle then, whatever it was?—A. Yes, sir; lately I drove.

Q. Do you swear that you never drove that in business-hours?—A. Not to my knowledge; it may have been sometimes for only an hour or half an hour, I could not tell exactly about that.

Q. Do you swear that you never drove this vehicle belonging to Mr. Casey during business-hours?—A. Not in business-hours, when I would working in the custom-house.

Q. What are the business-hours?—A. From 9 to 3.

Q. Now you swear before this committee that you never drove this vehicle belonging to Mr. Casey between the hours of 9 o'clock a. m. and 3 o'clock p. m.?—A. Not to my knowledge.

Q. You would know it if you had, would you not?—A. I don't remember it.

Q. Have you any interest in the Excavating Company of this city?—A. I don't know whether I have or not. I believe I have.

Q. How did you acquire it?—A. I don't know.

Q. Did you ever do any work for that company?—A. No, sir—only so far as I know—not to my knowledge; I never done any work.

Q. Did you ever perform any service for that company or for anybody in behalf of that company?—A. Well, I don't understand that.

Q. Did you ever render any service to that company or to any person who was the agent of that company?—A. Not to my knowledge.

Q. Did you ever do anything for that company or for anybody who was the agent of that company in the day-time between 9 o'clock and 3 o'clock?—A. Not to my knowledge, sir.

Q. You would know it if you had done it, would you not?—A. Yes, sir, I would; I have not done anything of that kind to my knowledge.

Q. You swear now that you do not know whether you have any interest in that company or not?—A. Not to my knowledge; I could not say that.

Q. Do you know anything except of your own knowledge?—A. No, sir.

Q. Do you know Joseph Coleman?—A. Yes, sir; I believe I do.

Q. Did you ever see him at Colonel Casey's?—A. I believe I have seen him there sometimes.

Q. State when you saw him there.—A. I cannot remember when it was.

Q. Did you ever see him at work there?—A. No, sir; I did not see him at work.

Q. Did you ever see him rendering any service there of any sort?—A. I believe he has been up there for some time as watchman; Colonel Casey hired him as a watchman.

Q. Was this in the day-time or night?—A. It was in the night-time, I believe, because I saw him there at night sometimes when I was sent with a dispatch, but I never saw him there in the day-time.

Q. When was he there?—A. I don't recollect what time of the day it was.

Q. If you never saw him in the day-time, did you ever see him in the night-time?—

A. In the evening when I came home in the buggy.

Q. How long would he stay there?—A. I could not say.

Q. Did anybody talk with you about your coming before this committee?—A. No, sir.

Q. Have you had any conversation with anybody about your evidence before this committee?—A. No, sir. I heard that the Sergeant-at-Arms had been down to the custom-house and that I was subpoenaed to report here, and so I came here yesterday. Of course, I am gone as a messenger all day long sometimes.

NEW ORLEANS, *June 16, 1876.*

D. J. HUTCHINSON recalled.

By Mr. WHITAKER:

Question. Do you remember the importation of nine cases of cigars and two of paper which have been a matter of investigation by this committee?—Answer. Yes, sir; I remember them.

Q. You went with Mr. Wicker, according to his statement, to Jackson & Manson's to look at some boxes there in connection with this matter, did you not?—A. We went to Mr. Masich's store.

Q. Had you seen these cases before they went from the levee?—A. I saw the cases in the hold of the steamship before they were discharged.

Q. What was the name of the steamship?—A. The Margaret.

Q. Were the cases corded and sealed?—A. Yes, sir.

Q. How did you happen to go to Masich's with Wicker?—A. I will tell you the whole of it. It was remarkable that the cases should be corded and sealed; such a thing had never been done before, and I noticed them particularly on that account. I saw them at the appraiser's store. There were holes bored in the corners and cords run through each corner of the box and sealed by a custom-house seal in the center of the box. I saw the goods at the appraiser's store, and that was the last I saw of them. Colonel Wicker came from Key West, and came to Mr. Kinsella and told him about some irregularities that he thought were going on.

Q. Were you present at the conversation?—A. I was present. Mr. Kinsella told him that I would go with him and show him where the place was, as I knew Mr. Masich. We went there and examined Mr. Masich's stock; Colonel Wicker said that was all right and then he wanted to go up in the upper story; Mr. Masich said he did not occupy that place; that it belonged to Mr. Jackson and he would prefer that he would go and ask Jackson's permission; I went down and saw Mr. Jackson and told him I had no warrant, but we wanted to examine the place; he said "certainly, I will go up with you;" Jackson went up with us and men were there packing salt. Mr. Jackson let us have a couple of men to remove the boxes, so that we could make an examination. We removed several from one room to another, and examined them all. Mr. Wicker then said "there is nothing in this, and I am satisfied that I am mistaken."

Q. Did you see there any boxes that you had seen on board the Margaret; and that you afterward saw in the appraiser's room?—A. No, sir.

Q. Did you see upon any of the boxes the custom-house seal in wax?—A. No, sir.

Q. Did you notice the holes bored through the corners?—A. No, sir; and I called Colonel Wicker's attention to that fact. Said I, "If they are the same boxes we would see the holes where the cord ran through."

Q. How do these boxes compare with ordinary cases as to size?—A. They do not compare at all.

Q. How do they differ?—A. Some were much larger, and some much smaller. We questioned Jackson about where he got them, and what he was going to do with them, and he said he bought the boxes for the purpose of packing small sacks of salt in. One of the boxes was broken, and we asked him why it was broken. He said that it was done because he wanted to get a small box out of it.

Q. Did you see the custom-house seal on that box?—A. No, sir; there was no mark on it that would indicate it was the same box.

Q. What did Colonel Wicker say with reference to anything else in connection with the matter?—A. He says, "I have made a mistake; I see there is nothing in it."

Q. You went to Havana, did you not?—A. Yes, sir.

Q. How did you happen to go to Havana with him?—A. Colonel Wicker told me in Masich's store, or rather upstairs in Jackson's place, that he had made a mistake, but he would be damned if he did not go to Havana and make out a case of it. He then says, "I am going to Kinsella's house and get through with him this evening," I went with him to Kinsella. He said to me, "From this man's general character and reputation I think you had better go with him, because he may put up a job with the Spanish customs officials in Havana and get a certificate that such an importation was made."

Q. Under whose instructions did you go to Havana?—A. Kinsella's.

Q. With whom did you go?—A. Colonel Wicker.

Q. Did you ever have any conversation with Mr. Hall in reference to this cigar-importation in connection with Mr. Wicker?—A. I did.

Q. State what Mr. Hall said to you on that occasion.—A. He told me that there had been a mistake made in the shipment, and said that Colonel Wicker knew it as well as he did.

Q. You are referring to the cases of cigars?—A. Yes, sir. There was a large lot and a small lot; they intended to ship the small lot and sent the invoice for it, but by mistake they shipped the large lot.

Q. What was the amount in each lot, if you remember?—A. I do not remember the amount.

Q. Perhaps I can refresh your memory. Was it 25,000 and 49,000?—A. Yes, sir.

Q. The counsel told you that the large lot had been shipped by mistake?—A. Yes, sir. He intended shipping the small lot. He said he knew the shippers and that they were regentlemen who stood high in that community, and that they would not do anything wrong intentionally.

Q. Did you not make some examination with Colonel Wicker of some other goods that were in the warehouse?—A. Yes, sir.

Q. Mr. Wicker testified only to examinations with reference to the eleven cases, and those seven cases at Key West. Did he not mention other investigations while you were here, and state what these examinations were?—A. He came to Mr. Kinsella's office one day, and said he had discovered a part of this fraud and where the goods were. Mr. Kinsella examined the papers in the custom-house, and found that they were in No. 6, and told Mr. Wicker, "You go up there and examine them." Wicker said he did not know where it was, and so I went with him to show him, and we examined them together. After examination he said, "They are all right." He then says, "Now there is another lot which cannot be found." A day or two afterward the papers were found, which showed that they were in No. 6. Mr. Wicker objected to going there again, and said, "I believe they are all right;" but Mr. Kinsella insisted upon his going and examining them, and so we went and made an examination, and found that they were all right.

Q. Those were packages that had gone from the custom-house for deposit?—A. Yes, sir.

Q. You went once with Mr. Kinsella to Mr. Masich's, did you not, without Mr. Wicker?—A. Yes, sir.

Q. Why was it that you did not take Mr. Wicker with you?—A. When going there we met Mr. Wicker, and Mr. Kinsella told him he had better not go along, as those people might not be as frank in his presence as they would if he was not there.

Q. On that, Mr. Wicker did not go?—A. On that, Mr. Wicker did not go. Mr. Kinsella went and examined Mr. Jackson as to how the marks were put on the boxes, how he got them, and where. Mr. Jackson read a letter setting forth all the facts, and said he would make affidavit to them, if necessary.

Q. Do you remember the marks on those two lots that were stored in No. 6?—A. I think they were G. H. or H. G.; I am not certain which.

Q. How many in one lot and how many in the other?—A. I cannot remember just the number. There was one lot, I think, of ten cases, and the other of nine cases. I will not be positive, though, as to the numbers; I know they were very nearly alike.

Q. When you were present, did Colonel Wicker endeavor to make an examination of the office furniture of Mr. Masich?—A. He tried to break open his desk.

Q. Were you there at the time?—A. No, sir; but Mr. Masich told me he did.

By Mr. REILLY:

Q. How were those eleven cases marked that you saw in the hold of the vessel?—A. I could not tell you the marks on them. What called my attention particularly to them was that they were corded and sealed—something that was never done before.

Q. What marks did you notice in the appraiser's room?—A. I did not notice the marks; they were corded and sealed, but I knew that they were the same cases.

Q. You were not present at the examination of the contents?—A. No, sir.

Q. You did not know anything about it, then, from personal inspection?—A. No, sir.

Q. When Colonel Wicker came here, how did it happen that you took him to Masich's store?—A. I accompanied him by his request.

Q. What did he say about it?—A. He said he understood they were there.

- Q. Did he say how he knew that?—A. No, sir; he did not.
- Q. You at once accompanied him to Masich's store?—A. Yes, sir; and rendered him every facility I could to detect the fraud if there was any.
- Q. Did you see any boxes there at all?—A. Yes, sir; a great number of boxes and barrels.
- Q. But none that were corded and sealed?—A. No, sir.
- Q. And none that you could identify as being similar in appearance to the ones you saw in the hold of the ship, and in the appraiser's room?—A. I am positive they were not the same cases.
- Q. When was it you saw these cases in this vessel?—A. Immediately on her arrival.
- Q. About what month was that?—A. I cannot remember. It was in 1872; but I cannot remember the date.
- Q. How long from that time until you went with Wicker to Masich's store?—A. I could not tell you; it may have been a week or possibly more.
- Q. Did Wicker come up from Key West?—A. Yes, sir; I so understood; I am not positive about that.
- Q. When you went with Mr. Wicker to Havana about the seven cases that he had seized, had you been to Masich's store before, or did you go after that time?—A. We were there before that.
- Q. It was before you went to Havana that you went to Masich's store?—A. Yes, sir; we made the investigation here first; and then he said, "I have made a failure here, but I will go to Havana and make a case out of this."
- Q. What interest had you in the seven cases that were seized at Key West? That was not in your jurisdiction, was it?—A. No, sir; I had nothing to do with that.
- Q. Why did you go to Havana with Wicker to investigate the seven cases that were seized at Key West?—A. We did not go to investigate that particularly. We wanted the boxes that were corded and sealed. He claimed that there was a fraudulent shipment made here, and on account of his character I was afraid, as Mr. Kinsella said, that he might put up a job.
- Q. Did you see Wicker get copies of invoices?—A. No, sir.
- Q. Did he get any copies of documents, letters, or papers?—A. He tried to get some from Mr. Laughton, and told him he would like to meet him at his office.
- Q. He did not get a package of papers written in Spanish, and have them transcribed?—A. Not that I know of.
- Q. Seeing that Mr. Wicker succeeded in having these seven cases condemned and sold, he did make a case of it?—A. Not out of this. That was another matter.
- Q. You had no interest in that?—A. None at all.
- Q. Did you accompany Mr. Wicker to Havana more than once?—A. Only once.
- Q. Where did you go from with him to Havana?—A. From New Orleans.
- Q. Did he accompany you from here?—A. We were both on the same ship.
- Q. Did you say you were in Havana at the time Wicker had a conversation with the consul about the invoice for these 29,000 and 45,000 cigars?—A. Yes, sir; in his own office.
- Q. And that you went with him from this city?—A. Yes, sir.
- Q. What steamer did you go on?—A. On the Havana.
- Q. Plying from this port?—A. Yes, sir.
- Q. What month was it?—A. I cannot say.
- Q. What period of the year—spring, summer, fall, or winter?—A. I don't remember.
- Q. How long did you remain there?—A. I was there, I suppose, two days.
- Q. Were you in company with Colonel Wicker all the time, assisting in making this investigation?—A. He did not need any assistance there.
- Q. Did you render him any assistance there?—A. Not that I am aware of. He requested me to go to Mr. Hall's and examine their books, as they had refused him; and Mr. Laughton told me I could examine the books if I wished.
- Q. Did you leave on the same steamer to return?—A. We left on the same steamer.
- Q. Why did you go to Havana with Mr. Wicker?—A. For the purpose of preventing him from putting up a job on the New Orleans custom-house.
- Q. You accompanied him?—A. We were on the same steamer.
- Q. You did go at his request?—A. Not at his request.
- Q. At Mr. Kinsella's request?—A. Yes, sir.
- Q. And you went to watch Mr. Wicker?—A. Yes, sir.
- Q. And you say that Mr. Wicker went from here direct to Havana on that occasion?—A. Yes, sir.

By Mr. NEW:

- Q. You say you went to watch him for fear that, on account of his character, as Mr. Kinsella said, he might put up a job on the New Orleans custom-house?—A. Yes, sir.
- Q. Mr. Wicker holds the same position under the Government at Key West that Mr. Kinsella does here, does he not?—A. No, sir.
- Q. He did then or has at some time since, has he not?—A. I do not know. At that time, I understood, he was special agent.
- Q. He is collector at Key West, is he not?—A. I so understand.

Q. So he outranks Mr. Kinsella, does he not?—A. I do not know. That is a question you could answer better than I, I guess.

By Mr. VANCE:

Q. Were they both engaged in the customs service at that time?—A. Mr. Kinsella was, and I judge Mr. Wicker was.

By Mr. REILLY:

Q. Mr. Wicker was special agent of the Treasury Department at that time?—A. Yes, sir.

Q. He consulted with Mr. Kinsella in regard to his operations, did he not?—A. Yes, sir.

Q. He took part with him in investigating the same matters?—A. He rendered him every assistance possible.

Q. How did you know that Wicker was going to Havana?—A. He told me so.

Q. How long was it after the importation of these eleven cases that you saw in the hold of the ship that you went to Havana in the same vessel with Mr. Wicker?—A. I could not tell.

Q. Was it before or after that time that you saw the eleven cases?—A. It was after that.

Q. When was it that you went with Mr. Wicker to the warehouse to see those two other shipments?—A. It was while he was here making the investigation.

Q. Was that before he went to Havana or afterward?—A. Before.

Q. How long after you had been in Havana was it that you heard he had made the seizure of seven cases at Key West?—A. He made the seizure before he came here.

Q. How long after you had seen these eleven cases in the hold of the Margaret at this port until you heard of his making the seizure at Key West?—A. I could not tell you about the time; I do not remember. I paid but very little attention to it.

Q. Was it before or after he went to Havana?—A. I judge it was before.

Q. You cannot form any idea of the time?—A. I have no knowledge.

Q. Can you form any idea of the time after the arrival of the Margaret that you went to Havana?—A. I could not tell. I suppose it may have been a trip or two; I cannot fix it definitely.

Q. In those investigations and your accompanying Mr. Wicker around the city your purpose was to watch what he discovered?—A. It was to assist him—to show him where he wanted to go. He did not know himself.

Q. When he went to Havana you did not go to assist him, though?—A. I was willing to assist him if I could, and I wanted to look after him a little.

Q. Your instructions were not to assist him, but to watch him?—A. I had no instructions not to assist him.

Q. But you had instructions to watch him?—A. To see that he did not do anything wrong.

Q. That was your object?—A. That was my object.

Q. Did you discover that he did do anything wrong?—A. No, sir; I had no opportunity. From what Consul Hall said to me, though, I thought it was very necessary that he should be watched.

Q. There were no marks that you remember on these eleven cases that you saw in the hold of the Margaret?—A. None that I remember.

Q. And the only reason you went to Masich's store to see these eleven cases was because Wicker asked you to go there?—A. That was the reason. He asked Mr. Kinsella to have some one go with him.

Q. Did he state what reasons he had for believing these eleven cases were there?—A. No, sir.

Q. He stated the fact, however, that he believed they were there, and asked for some one to go with him?—A. Not that I know of. He simply said that he wanted to go there.

Q. For what purpose?—A. I do not know unless it was to examine those cases.

Q. Was there any examination of the papers at the custom-house made by Mr. Kinsella and Mr. Wicker?—A. There were quite a number of papers.

Q. Had they the papers in relation to this particular shipment?—A. I cannot tell. It was a matter between those two, and I did not interfere at all.

Q. Do you know anything about detecting a fraudulent shipment of brandy into this port?—A. I have detected all sorts of shipments.

Q. Do you remember a fraudulent shipment of brandy to a saloon on Common street?—A. I do not remember it.

Q. Do you remember any detection of such a shipment, and the matter afterward being compromised?—A. I never compromise cases, because I have no authority to do so.

Q. Do you know that any such case was compromised by the payment of money?—A. Not to my knowledge.

Q. Have you any knowledge of any such transaction?—A. No, sir.

Q. Did you ever make a seizure or detection of an importation of brandy in that saloon on Common street?—A. No, sir.

Q. You never had anything to do with any transaction of that kind?—A. I never examined such a case. I have had various cases that I have examined; but I do not remember

of any on Common street particularly. I have made seizures on almost every street in the city.

Q. Do you know of investigations that were being made by Mr. Kinsella at any time that you have participated in, or that were compromised?—A. No, sir; I have no knowledge of any such transaction, and I am satisfied, from what I know of him, that he did not make any compromise.

Q. Did Wicker return to this city after he had been to Havana?—A. No, sir; he stopped at Key West, I believe.

Q. Did you return from Havana on the same vessel with him?—A. Yes, sir.

Q. And where did you get off?—A. Right here.

Q. You came all the way to New Orleans?—A. I came all the way to New Orleans and staid in quarantine.

Q. Did your vessel touch at Key West?—A. Yes, sir; and at Cedar Keys.

Q. What was the name of the vessel?—A. The Havana.

Q. How long did you say you were in Havana?—A. I think about two days. I would not be positive about the time.

Q. Did the Havana bring a cargo of goods to this port?—A. She did.

Q. What month was that?—A. I cannot tell the month.

Q. Was it in the spring or fall?—A. That I cannot remember. I remember going there. We had quite a storm between Key West and Havana, but I cannot remember what month it was.

Q. Was it shortly after the importation of the eleven cases that were corded and sealed in the ship Margaret?—A. It was some time after.

Q. Longer than a month afterward?—A. I am not positive.

Q. Was it longer than two months afterward?—A. I am not positive.

Q. Was it longer than three months afterward?—A. I don't know.

Q. Was it longer than four months afterward?—A. I don't know.

Q. Was it longer than six months?—A. I do not think it was.

Q. You then think it was not longer than six months from the time the Margaret came with these eleven cases until you went to Havana?—A. I do not think it was, but it is all guess-work.

Q. You have a pretty distinct recollection upon many other things upon which you appear to be very willing to testify, and this matter I think is quite important.—A. By reference to some of my papers I could tell you just what time it was I went to Havana.

Q. You ought to have some recollection of the time.—A. There was nothing done on the trip that I made any note of.

Q. Had you ever been there before?—A. No, sir.

Q. Have you ever been there since?—A. No, sir; I have never been there except on just this one occasion.

Q. And you are certain you went upon this occasion from this city direct to Havana, on the same vessel with Colonel Wicker?—A. I am certain of that.

By Mr. NEW:

Q. You can come within less than six months of the time by your memory, can you not?—A. No, sir; I have no idea what time it was I went. It was in the summer time; I know that, because when I returned the vessel was quarantined; that is the only reason that makes me remember it.

By Mr. REILLY:

Q. You are certain it was the Havana that you went on, and came back on?—A. Yes, sir.

Q. And you are certain that you went in company with Wicker?—A. Yes, sir.

Q. If he says that he went to Havana from Key West and in a revenue-cutter, it cannot be the occasion you refer to?—A. No, sir; it cannot be.

Q. You are quite positive that you went in the Havana, are you?—A. Yes, sir.

Q. You swear to that as a matter of fact?—A. Yes, sir; positively; there is no doubt about that.

Q. You were there in company with Colonel Wicker?—A. Yes, sir.

Q. On the occasion you went there, you went on the same vessel with him from this port?—A. Yes, sir.

By Mr. WHITAKER:

Q. When you left New Orleans Mr. Kinsella gave you an extra caution, did he not?—A. He called me back and impressed it upon me to look after that man, because he feared that he wanted to put up some job on the custom-house. He had already put the Government to considerable expense.

Q. Who had?—A. Mr. Wicker had, to hunt up something where there was nothing to hunt up.

Q. That is what Mr. Kinsella said to you?—A. Yes, sir.

By the CHAIRMAN:

Q. What was your position at that time?—A. Inspector of customs.

Q. Did you know Mr. David Jackson?—A. O, yes, sir.

Q. Were you on intimate terms with him?—A. Yes, sir; we were friendly.

Q. Did you ever have any business transactions with him?—A. No, sir.

Q. Have you any knowledge of a lawsuit arising out of this transaction you have just narrated at length, in Key West, instigated by Mr. Wicker?—A. No, sir; I heard—it was all hearsay—that he had made a seizure; that the goods were condemned and sold. But that was a different case; it was not this case I spoke of. There were two lots of goods.

By Mr. VANCE:

Q. You acted under instructions from Mr. Kinsella in going to Havana?—A. Yes, sir.

Q. He paid your expenses to Havana and back?—A. I paid my own expenses myself.

Q. Did the Government have anything to do in paying your expenses?—A. No, sir.

Q. You voluntarily paid your expenses to go from New Orleans to watch Mr. Wicker?—A. Yes, sir.

By the CHAIRMAN:

Q. You were re-imbursed for what you expended, were you not?—A. The Government re-imburses me for any money I expend.

Q. So that your trip was actually made at the expense of the Government?—A. The trip was not made at the expense of the Government. I simply went to make a pleasure-trip. I was acquainted with the captain of the steamer, and I went over with him and he did not charge me anything.

Q. Did you make any report to your superior officer?—A. Yes, sir; I reported to Mr. Kinsella when I returned.

Q. Did you set forth in that report, or in any manner whatever, any bill of expense?—A. No, sir.

Q. You were then not re-imbursed your expenses.—A. No, sir; I expended nothing to be re-imbursed for; I never charge expenses unless I expend the money.

Q. You spent no money?—A. No, sir; there was some little money spent, but none that I could charge to the Government.

Q. It was a free passage on the steamer?—A. Yes, sir.

Q. Who was the captain of that steamer?—A. His name was Pennington.

Q. Had you been on intimate terms with him?—A. I was well acquainted with him. I used to meet him every trip here on his arrival.

Q. Was it because of your friendship with him that he offered you this free passage to Havana?—A. I think so; I do not know why he did so.

Q. Or was it because you were an officer of the Government?—A. No, sir; it was not because I am an officer; I am satisfied of that.

Q. Had he ever offered you any civilities before?—A. Yes, sir; frequently he invited me to go over with him at any time I wished. He wanted me to go particularly because I had made frequent seizures on his vessel, and he wanted me to go over with him to see how impossible it was for him to prevent a person from bringing cigars aboard the ship after getting in the harbor. I found it was impossible for the captain to prevent them bringing cigars aboard.

By Mr. REILLY:

Q. Did you hear Wicker say anything about these eleven cases at Havana?—A. Mr. Wicker did not speak to me except once, when he asked me to go to Mr. Laughton's for an examination of their books. He wanted me to make a general examination of their books. He did not say what for.

Q. But the only investigation you heard him make was about the invoice for the 49,000 and 25,000 cigars?—A. I understood him about these eleven cases.

Q. What did you understand about them?—A. He wanted to see whether they had been shipped from there.

Q. Did you hear him make any inquiries there about them?—A. He did not make any in my presence.

Q. You did not hear any about the 49,000 and 25,000?—A. No, sir.

Q. Did you not say so a moment ago?—A. No, sir; I don't think I did.

Q. You heard the American consul explaining the shipments to Colonel Wicker?—A. Yes, sir; he explained them to Mr. Wicker.

Q. You so swore a moment ago?—A. Yes, sir.

Q. Do you mean to swear to that now?—A. Yes, sir. I was in the consul's office with him and he explained the shipments to Wicker.

Q. I asked you a moment ago whether you heard Colonel Wicker make any investigations about the 49,000 and 25,000 cigars, and you answered, "No."—A. He was not making investigations.

Q. Was not Mr. Wicker present?—A. He was present, and heard it all.

Q. Mr. Wicker was not making the investigation?—A. I suppose he was making it.

Q. What introduced the conversation between you and the consul about that?—A. I went there and asked him about it.

Q. You had nothing to do with those seven cases?—A. I was asking him about the two lots that had been shipped; how they were shipped; how they came to be shipped. I wanted to ascertain all the particulars.

Q. How did it come that he was explaining the 49,000 and 25,000 cigars that had been seized at Key West by Wicker?—A. Because I asked him about it. I was making all the inquiries I could.

By Mr. NEW:

Q. You did not hear Colonel Wicker make any inquiries at all?—A. No, sir.

By Mr. REILLY:

Q. All the information Colonel Wicker got about the seven cases, or any other cases, was the explanations received from the American consul?—A. No, sir; I do not say that. We did not go there together.

Q. You and Mr. Kinsella had no confidence in Mr. Wicker?—A. No, sir; we had not.

NEW ORLEANS, *June 16, 1876.*

JAMES JACKSON sworn and examined.

By the CHAIRMAN:

Question. Have you any knowledge of the importation of a cargo of salt upon the ship *Pericles*, in January, 1871, in which there were any irregularities or attempted frauds on the Government?—Answer. Yes, sir; I have some recollection of the case.

Q. I wish you would state what knowledge you have of that matter.—A. The knowledge I have I obtained from my partners, Mr. Kilpatrick and Mr. Henderson. I know very little about it myself. In January, 1871, being informed of these irregularities, I sent a letter to the Secretary of the Treasury at Washington.

Q. What were the irregularities?—A. The salt was entered at 18 cents per hundred pounds instead of 24.

Q. By whom was the entry made?—A. By Jackson & Anderson.

Q. Do you know how this informality or error was discovered?—A. I obtained my information from Mr. Henderson. After waiting for a considerable time after having written to the Secretary of the Treasury, I was informed that the letter we had sent there had come back from Washington to the custom-house here, and upon that letter being received the parties were notified to pay up the deficit.

Q. Are you engaged in the salt business here?—A. Yes, sir.

Q. How long have you been engaged in the business?—A. Twenty-four years as partner; twenty-seven years as clerk and partner.

Q. What is the usual time between the entry that is made at the custom-house and the liquidation of it?—A. My recollection is that it is ten days.

Q. Do you know whether that is a regulation of the Department?—A. I understand that it is.

Q. Is it the custom?—A. It is a custom also. I know claims for damages or anything of that kind must be made in ten days; that is the regular rule.

Q. Do you know anything else about this transaction?—A. When they told me the duties were paid that day, Mr. Henderson and I called at the custom-house and had an interview with Colonel Casey and others in Colonel Casey's room.

Q. State everything you know about the transaction.—A. Mr. Casey said he was sorry I wrote to Washington; that if I had come to him he would have had it fixed there; he asked me why I did not come to him, or something of that purport. I told him I did not know how far they might be implicated, and that was the reason I wrote to Washington; that, in my opinion, unless there was somebody implicated, this entry could not have passed through.

Q. What reasons did you have for this belief? What were the facts and circumstances within your knowledge?—A. I do not think that I could pass an entry through. There are so many checks and balances that I do not see how it could get through.

Q. It has been stated here that this entry was made, and that the party informed the officer in charge of that matter, and the officer had replied that he could settle it at his leisure, at all events before the liquidation was made.—A. The excess of duties, as I was informed, was only paid after the letter came back from Washington.

Q. Are there any other facts with reference to this transaction, except the entry, which would go to show that there was anything wrong?—A. The entry was fraudulent and false—whether by error or otherwise.

Q. Is there anything further that you wish to state?—A. No, sir. That matter was hushed up at that time after the duties were paid. Mr. Henderson then informed us—this is hear-

say, and I do not know whether you will allow it or not—that he called on Mr. Kinsella and stated that there were other matters, and if he could see the books of Jackson & Anderson, he would show other fraudulent entries. Those books were examined and disclosed the entries spoken of—"C. H. W." and "C. H. I."

Q. Did you see these entries yourself?—A. Yes, sir; I did.

Q. Had you any knowledge of what these entries indicated?—A. Not until I was informed in September, 1870, what they meant.

Q. Who gave you the information?—A. Mr. Henderson.

Q. Was he a party to the entry?—A. He was the book-keeper of the firm.

Q. You saw the side-entries made by Mr. Jackson?—A. I saw the initials "D. J."

Q. Do you know whether or not those initials stood for vouchers?—A. Mr. Henderson stated that he took that mode of having a receipt, because he had no vouchers in his office.

Q. Do you know anything further in reference to this transaction?—A. Nothing further.

Q. Do you know anything about the forfeiture of salt to the Government?—A. Only from street-rumor.

Q. Is there anything further you desire to state in reference to this transaction?—A. Nothing further that I think of just now.

Q. Have you a written statement that you desire to introduce?—A. Yes, sir; I have. It will give the whole history of the case, and make it as brief as possible.

Q. Have you stated all you know about this transaction?—A. Yes, sir; except this: After this matter had lingered some time, I called at the United States court one day, perhaps some weeks afterward, and asked Mr. Beckwith when that trial would come up. He said, very abruptly, that he would not talk about a case that was pending, and then left. I apprehended then that I myself might be arrested, and I wanted to have my security ready.

By Mr. WHITAKER:

Q. When you say that the entry was fraudulent, you mean that it was an incorrect entry, and not that it was an intentional fraud on the Government?—A. No, sir; I do not know that of my own knowledge, except this: I have seen an entry for less than the legal rate of duty.

Q. Do you know whether any regulation was issued by the Treasury Department requiring liquidation of entries within ten days?—A. That is what I have been informed. I never saw the regulations.

Q. Do you know that there is such a regulation?—A. Only from their own statement. I have never seen the regulation, but if you defer making a claim for damages of goods for ten days you cannot get it.

Q. You are a brother of David Jackson, who testified in this case?—A. Yes, sir.

NEW ORLEANS, June 17, 1876.

DOUGLAS M. KILPATRICK sworn and examined.

By the CHAIRMAN:

Question. Where do you reside, and what is your business?—Answer. I reside in New Orleans; I am a salt merchant, and a member of the firm of Jackson & Kilpatrick.

Q. Do you know anything about this transaction with reference to a cargo of salt imported on the ship *Pericles* in January, 1871?—A. I do.

Q. State to the committee what you know about that transaction.—A. In 1870 I was a clerk in the employ of the firm of Jackson & Anderson. On the first of January, 1871, I became a member of the firm of Jackson, Kilpatrick & Henderson. I was in the employment of this firm, and from what I had seen I was convinced that the firm had some arrangement with officers which indicated to my mind that there was salt being passed without paying the proper duties to the Government. After the formation of the new firm this affair became a matter of conference with the new firm. I made it my business to become acquainted with some of the custom-house officials, and I ascertained within a very short time sufficient to satisfy my mind that there was something wrong. I had a conversation on one occasion, about the 1st of January, or a few days thereafter, with Mr. Henderson, in which this matter of the *Pericles* cargo was brought up. Mr. Henderson made a statement to the firm, and on his statement the firm addressed a letter to Mr. Boutwell, the Secretary of the Treasury. That was written on the 4th of January, 1871. Do you wish me to state the reason for writing the letter?

Q. State any facts or circumstances within your knowledge relating to the transaction.—A. This letter was written because Mr. Henderson stated to the firm that, during his service as cashier of the firm of Jackson & Anderson, he had made certain entries in the cash-book which, he felt convinced, if brought before the proper authorities, would prove the complicity of that firm in fraudulent transactions with the custom-house.

Q. Did you ever see those entries?—A. I have never seen those entries. But speaking of this *Pericles* cargo, we wrote the Secretary on the 4th. We did not get as prompt a reply

as we expected, and consequently telegraphed him. In the mean time I was expecting just exactly what occurred.

By Mr. CONGER :

Q. Are you reading your testimony from a paper?—A. No; I have only this memorandum here to refer to in case my memory does not serve me in regard to dates, &c.

By the CHAIRMAN :

Q. Proceed and state what knowledge you have of this transaction?—A. On the 4th of January our firm wrote a letter complaining of this matter of the Pericles and explaining the facts as we had them. We waited, as we supposed, a sufficient length of time for receiving a reply, and no answer coming we telegraphed. The following morning, I think, after the telegram had been received, while at my office, a man whom I recognized as having acted as porter or in some such position in the custom-house came in. In his hand he had an envelope which he handed to me. I read it; it was evidently a personal note addressed to Mr. David Jackson, and on the upper right-hand corner was the word, "personal." In the upper left-hand corner there was printed "United States custom-house," with the name of some department added; I do not remember which department it was. After looking at it I directed the party where to deliver it, and immediately took steps to see what followed. I very soon found that Mr. David Jackson left his office, proceeded to the office of Townsend & Lyman, brokers, and there purchased a certain amount of gold; the figures I do not recollect exactly. From the office of Townsend & Lyman he proceeded to the cashier of the custom-house, and there paid this amount of gold over the counter. I was present at the custom-house when this was done. I had sent a party who followed him to the office of Townsend & Lyman, and got from that office the exact amount that he had purchased, which tallied with the amount he had handed over the desk of the cashier. I had the amount upon a memorandum, but have lost the memorandum. That was the exact amount that was due the Government on this Pericles cargo. The cargo had been entered on the 14th of December, 1870. The occurrence I speak of happened on the 13th of January, twenty-nine or thirty days from the original entry of the cargo. That evening, after business hours, say 4 or 5 o'clock, after the members of the firm had retired for dinner, Mr. Kinsella came into our office, asked for us, and left word that he would see us the next morning. This other occurrence I speak of happened early in the day, perhaps between 11 and 1 o'clock. Mr. Kinsella was at our office near 4 o'clock. Mr. Kinsella called again the next morning, and stated that he had received a communication from the Secretary of the Treasury instructing him to investigate this matter. He did investigate it, and a few days later he stated to us that he had ascertained that it was a clerical error. So much for the Pericles cargo. We were then in a position to be laughed at. Mr. Henderson then came forward to Mr. Kinsella and told him that this was no laughing matter, but was quite serious business. Mr. Kinsella asked him what he wished. He said he wanted the books, particularly the cash-book, of Jackson & Anderson seized, and entries would be shown on that book indicating their connection with the custom-house, or at least showing that they were not exactly straight on paying duties. After some parley about the matter, and a few days' delay, Mr. Kinsella acceded to the request. The books were seized and Mr. Kinsella notified Mr. Henderson to appear at his office. He did appear and was sworn. All I know of his testimony there is what was told me. Mr. Henderson reported back to the firm that he had testified to these different entries, had figured them up and found that there had been \$3,500 or \$3,600, in all, or about that amount, entered in this manner: "Paid C. & H. W." "Paid C. H. I.;" and on the same line with these entries were the initials of the gentleman to whom he had paid it, Mr. David Jackson, a member of the firm; that he recognized the handwriting.

Q. Did you see these entries yourself?—A. I did not; that is what he told me.

Q. You stated this to Mr. Kinsella?—A. Mr. Henderson stated this to the firm.

Q. What do you know yourself of the investigation?—A. A few days after the statement made by Mr. Henderson, Mr. Kinsella came to us and stated that he had sworn David Jackson, and told us what David Jackson's testimony was in this matter, and it contradicted the evidence of Henderson.

Q. State what you know of your own knowledge.—A. Mr. Kinsella's memory did not serve him correctly on the stand. I was here during a portion of the time he was giving his testimony and heard him say—

Mr. CONGER objected to the witness stating the testimony of Mr. Kinsella.

Q. State what you know of your own knowledge.—A. After having ascertained the testimony, the firm found it necessary to have other witnesses examined by Mr. Kinsella. These witnesses were examined, and they swore directly the contrary or opposite—

Mr. CONGER again objected to witness stating the purport of any testimony given by other witnesses.

The WITNESS. During this investigation, Mr. Samuel Rousseau, a gentleman who had been in the employ of the custom-house, called on me at my office. He was a brother of General Rousseau who is now dead. He had been a short time previous to this employed as inspector in the custom-house. He stated to me in my office that—

Mr. WOODBURN objected to the witness stating what Mr. Rousseau said, unless he know that Rousseau was a custom-house officer at that time.

Q. Was he relating facts that came under his knowledge while an officer in the custom-house?—A. He related such facts to me as in my mind made it necessary to bring him before the special agent of the Treasury Department as a witness. I will further state that I was present when he made his affidavit.

Q. You mean before Mr. Kinsella?—A. Yes, sir.

Q. Is Mr. Rousseau in the city now?—A. He was in the city a week or ten days ago, and in conversation he stated that he was willing to come forward and testify. He is not here now. I would like to state that I was present during the last few minutes of Mr. Kinsella's testimony before this committee, and he stated that documents—

Mr. CONGER objected.

Q. State what conversation you had with Mr. Kinsella—A. Mr. Kinsella stated to us from time to time, as this investigation proceeded, exactly what had been done. He stated that witnesses had been brought forward and certified to such things, and that other witnesses had come forward and contradicted. Of course what I know about the evidence is only what I received from Mr. Kinsella. I would never have mentioned the subject had Mr. Kinsella produced the evidence that the committee called for. He has not produced it, and therefore I only wish to fill up the void and show that an investigation was held and what became of it. After a number of witnesses had been examined, this man Rousseau came to my office and stated facts that I considered of sufficient importance to make it necessary that they should be brought before Mr. Kinsella. I took him to Mr. Kinsella where he made his affidavit. I was present at the time he dictated his statement to Mr. Kinsella. It was written down by Mr. Kinsella, signed by Mr. Rousseau, and sworn to by him in my presence. If that affidavit is produced I think it will give the committee some information on the salt matter. There is no charge pending against our firm, and that is one of the principal reasons why I am a witness to-day. This thing has been badly mixed. There has never been a charge pending against my firm or any member of it, of any kind. This evidence given by Mr. Rousseau was taken down by Mr. Kinsella, and now it seems that Mr. Kinsella cannot produce it. I would state that Mr. Kinsella informed us that it was as clear a case as had ever been brought to his notice, and that he would call the attention of the proper authorities to it. As a matter of course we supposed that the evidence would be put in the hands of the proper authorities, and the case carried to a proper conclusion.

Q. What did he mean by a clear case?—A. We understood that the evidence had proved to his satisfaction that these parties had been bribing and attempting to bribe officers.

Mr. CONGER objected to this testimony.

The WITNESS. Mr. Kinsella said that he discharged two parties who came forward and stated that they were bribed. He said he had them discharged because they acknowledged that they had been bribed.

Q. Two clerks in that firm?—A. Two clerks in the employ of the custom-house. The evidence as regards Rousseau would merely show that he had been offered a bribe which was rejected.

Q. Did Mr. Kinsella tell you that?—A. Mr. Kinsella told me so, and I was present when he testified that he had been tendered a bribe, and refused it.

Q. Did you have any further conversation with Mr. Kinsella?—A. Nothing beyond what I have stated; that he proposed to bring that matter to the attention of the proper authorities, and have it properly prosecuted.

Q. Do you know whether that was ever done?—A. Not to my knowledge. I could only give hearsay evidence on what followed as regards that point. That I believe was given by Mr. Henderson—a statement of his interview with Judge Durell.

Q. Do you know anything further of this transaction?—A. No, sir; I think that is about all that was developed in that matter. I know that after that time our firm was treated with a good deal of discourtesy by the custom-house officials, and whenever it was possible the law was drawn down on us, and we were always met with a great deal of trouble in conducting our business, so far as we found it necessary to come in contact with the custom-house officials. As regards the Pericles matter, I would state that I have some little knowledge as regards the manner in which an entry should be passed. In my opinion it might pass through the hands of one or two, but I can hardly think it could pass so many hands without being detected for thirty days, because this was never detected until the attention of the Secretary of the Treasury was called to it, and he called the attention of the officials here to it.

Q. How many members are there in your firm at present?—A. There are three: James Jackson, of New Orleans, John Jackson, of Saint Louis, and myself.

By Mr. CONGER:

Q. What did you say the name of the original firm was?—A. The original firm, as far back as this transaction goes, was Jackson & Anderson.

Q. What were the given names of the members of that firm?—A. The firm was composed of David Jackson and William H. Anderson, who were the active members, and Mr. James Jackson and Charles Manson, who were considered as passive members.

Q. Those four composed the old firm of Jackson & Anderson?—A. Yes, sir.

Q. When the new firm was formed what was that called?—A. The new firm was called Jackson, Kilpatrick & Henderson.

Q. What are the given names of the members?—A. James Jackson, D. M. Kilpatrick, and W. D. Henderson.

Q. Did the old firm continue the business after the second firm was formed?—A. The firm of Jackson & Anderson, after the withdrawal of this gentleman, continued under the name of Jackson & Anderson for a few months, after which Mr. Anderson withdrew.

Q. There is one Jackson in one firm and another Jackson in the other firm?—A. There are two in my firm.

Q. Give the name of the one in the old firm?—A. David Jackson.

Q. Give the names of the two Jacksons in your firm?—A. James and John.

Q. Are they brothers of David Jackson?—A. Yes, sir.

Q. Has there been any rivalry or hostility between the two firms?—A. That depends—

Q. Just answer yes or no.—A. I will answer. That depends on how you define the word "rivalry." Give me your version of it and I will tell you.

Q. I mean anything beyond the ordinary business emulation of firms. Has there been any hard feeling between the members of the two firms?—A. Yes, sir; there has been.

Q. Has it been pretty violent sometimes?—A. It has.

Q. Do the other members of the firm, except the Jacksons, have any feeling on the subject?—A. I think not.

Q. It is only a violence of feeling confined to the Jacksons in each firm?—A. That is bringing it down pretty fine.

Q. It is confined entirely to the gentlemen named Jackson in each firm?—A. Well, I think it is.

Q. The other members of your firm do not partake of that feeling at all?

The WITNESS. Personal feeling?

Mr. CONGER. That hard feeling or rivalry.

A. They partake of the feeling so far as opponents in the business I mentioned.

Q. Do they partake of the hard feeling that exists between the Jacksons of one firm and the Jacksons of the other?—A. They are not parties to that at all. It is an outside matter with which they have nothing to do.

Q. Have any other members of your firm entertained any of these hard feelings that exist between David Jackson and his brothers?—A. No, sir.

Q. Between all the other members there is a friendly feeling toward David Jackson?—A. No; I cannot say that it is entirely friendly. They neither love nor fear him; they neither respect him nor otherwise.

Q. They do not respect him?—A. Not necessarily; nor do they particularly—

Q. They do not particularly love him?—A. No; nor do they particularly hate him.

Q. Do they generally hate him?—A. Not at all.

Q. Is there a tender affection between these gentlemen and David Jackson?—A. If somebody was cutting his throat and either of the other gentlemen were on hand, they might possibly take measures to stop it. There is no doubt of it. I think they would save his life if they could.

Q. Do you tell this committee under oath that they would go to that extent of friendship for him?—A. I think they would, and a little further.

By the CHAIRMAN:

Q. Did this difficulty grow out of the salt-transaction between the two firms?—A. I think it did originate in a business transaction between David Jackson and his brothers. They found that he was not conducting his business as they thought right. They only prosecuted this inquiry against David Jackson in reference to the salt of the Pericles, so far as they were members of the firm. The firm did it simply because they considered it necessary; deeming that if such frauds were continued or permitted to continue they would have to retire from business, which would undoubtedly have been the case. In my mind there is no doubt about that, though it seems it has been a laughing matter with some.

Q. Have you any further knowledge of this transaction, any facts or circumstances other than those you have already stated?—A. Regarding the salt-investigation, no. But as to the fraudulent conduct of officials since that, yes.

Q. State such facts or circumstances as are within your knowledge?—A. I would like to state right here my opinion of one or two of the officials before going into details, if there is no objection.

Q. You had better state your knowledge of the facts.—A. Mr. Crawford became involved in this investigation of this Pericles matter, and I wish to state that, in my opinion, there is no better or fairer man in this State.

[Mr. CONGER objected to the witness stating his opinion of Mr. Crawford, whether good or bad.]

Q. State what knowledge or information you have, and what grievances you have sustained at the hands of the custom-house officials?—A. I have found that we have not been treated right in regard to returns of weight of salt, &c., and therefore I would like

to state here, that, in my opinion, Mr. Eichols is not to blame for that ; I believe he is a very just and good man, but possibly he allows his prejudices to govern him. I do not think that he is intentionally dishonest. I say this, because I will call the attention of the committee to some little facts that have transpired recently. I do not wish to go into very extensive detail. On the 24th of February, 1876, a cargo of salt arrived in the ship Saint Patrick, from Liverpool, consigned to our firm. It consisted of 707 tons of fine salt. That cargo was weighed by Thomas E. Cranber. I received such information from our warehouse as proved to my mind that he had not given proper attention to it. I had ascertained that he was then in the employ of the Jackson Railroad Company, and received a salary, and that led me to pay some attention to the matter. I took such steps as gave me information on the following day that he could not have weighed it properly. The returns were made to the warehouse, and I found in examining those returns that he had returned the cargo as 726 tons and a fraction, and 17 sacks empty, which would have made nearly two tons more. In other words, he had returned a cargo of salt 21 tons or thereabouts more than our invoice called for, or the bill of lading of the ship was signed for. This necessitated our paying the Government the extra duty on this salt, because the bill of lading specifies so much per ton delivered. This is one of the little inconveniences. I may say it is one of the large ones.

Q. Was that corrected afterward at the liquidation ?—A. It was not.

By Mr. CONGER :

Q. Is that one of the inconveniences you mentioned by which you received more salt than you paid for ?—A. O, no ; I didn't say that.

By Mr. VANCE :

Q. Did you receive 21 tons more than the invoice called for ?—A. I did not.

Q. How much did you receive ?—A. We made some fuss about the matter, as this was the third case ; two cargoes we had received previous to this had turned out overweight, but not so largely ; and therefore in this third instance we deemed it proper to make complaint, and we did so. At first they showed no disposition to reweigh it. We afterward succeeded in having it reweighed. I don't know the name of the weigher that was sent up ; all I know is that the second weigher was sent up with positive instructions as to how to weigh this cargo. His instructions were to strip the pile and weigh the heart. The atmosphere will drive moisture downward into a pile of salt. He weighed the heart of the pile.

By Mr. CONGER :

Q. What did he make it ?—A. Twelve tons and a fraction short.

Q. How much more did that make it than your invoice called for ?—A. That was not a just weight because the moisture had left the top sacks. I made complaint to the parties, and, as I stated, after some difficulty succeeded in having it reweighed. I know that the weigher took the top and front and sides of the pile off, and weighed nothing but the center, because he told me so, and I took grounds to have him checked at the warehouse previous to his having told me.

Q. How did he execute these instructions ?—A. He executed them in that way, because a report came from our warehouse that said it had been done, which was very unusual. The returns of his weights showed a difference of twelve tons and a fraction from the first weight. This second weighing was not a just weighing by any means, because the top sacks had all lost in weight. Salt is an article that is composed to a very great extent of water, and the outer sacks had of course lost by evaporation. He had simply weighed the heavy sacks of the cargo and made his returns upon that.

By the CHAIRMAN :

Q. To whom did you apply at the custom-house to have this injustice, as you thought, rectified ?—A. I wrote a communication to the collector of the port. I think we took it there in person and handed it to one of the deputies, possibly Mr. Champlin, by whom it was referred to the weigher. The weigher held it for a day or a part of a day, and we had another interview, but he didn't show any very great disposition to have it reweighed ; but we insisted upon it and it was reweighed.

Q. Were the weights that you claimed eventually allowed ?—A. No, sir ; the weigher indorsed on the back of our letter of application for the thing to be investigated, that it had been reweighed and had been ascertained to be so much. He further stated in his report that, in his opinion, this cargo had lost that much—the difference between the first and second weighing—and therefore he returned it disapproved. We were then presented with a bill for the expenses of this weighing. I don't remember the amount, but it comes to just this, that if a man asks for reweighing he has to take his chance of paying from \$40 to \$45.

Q. Can you not recollect the amount in this instance ?—A. No, sir ; I cannot.

Q. Did you see the collector of the port himself about this transaction ?—A. I did not.

Q. Was that letter directed to him ?—A. It was, and it is customary for the deputies to attend to the business. I never have seen Casey attend to anything. It was directed to the collector of the port, but I had no personal interview with him.

Q. You do not recollect the amount of charges for the reweighing of the salt ?—A. No ; but I could ascertain.

Q. Did you pay them?—A. No. They finally made overtures that if we would drop the matter there, they would not collect any of the charges. We had threatened just previous to this to carry the matter forward to Washington. I mean just previous to the offer they made to drop the matter and say no more about it.

By Mr CONGER:

Q. At this third weighing, were you present?—A. No, sir.

Q. At any time were you present?—A. No, sir.

Q. Were any of your firm present?—A. No, sir.

Q. What was the result of the third weighing?—A. There was no third weighing that I am cognizant of. There were two weighings.

Q. I understood that when you had made complaint, they weighed again?—A. Not to my knowledge.

Q. There were but two weighings?—A. That is all I know of.

Q. What was the difference between your invoice and the second weighing?—A. The second weighing was very unjust.

Q. I did not ask you for that. Please answer my question. What was the difference between your invoice and the amount of the second weighing?—A. I will tell you in a second, if you will allow me to look at my figures. There is a difference of about six tons, more or less.

Q. The second weighing exceeded the invoice by six tons?—A. Yes, sir.

Q. In point of fact, does not salt evaporate and lose in the warehouse?—A. That has been my experience.

Q. Was this in the warehouse?—A. Yes, sir.

Q. How long a time elapsed between the first and second weighings?—A. Two or three days.

Q. Then, according to your experience, it should have weighed less at the second weighing?—A. Not within two or three days; no.

Q. How long would it take to make it any less?—A. In thirty, sixty, or ninety days it would lose but a little weight.

Q. But it would begin to lose immediately, would it not?—A. In this case it would not, because the warehouse had been closed and had not been opened to any extent. One door may have been open, but there had been no draught, and the side doors hadn't been opened.

Q. If it had changed at all, it would have been less than the first weighing?—A. It could not have changed much in three days one way or the other.

Q. If you had weighed it all together on the scales, and not weighed samples, it would have changed so as to weigh less, if it had changed at all?—A. Between the two weighings there could not be any perceptible difference.

Q. It would have weighed less at a subsequent time than it did at the first, if it changed at all, would it not?—A. Some very little, possibly.

Q. In your judgment, it would take from thirty to ninety days to make a perceptible change?—A. Anything of any consequence; yes, sir.

Q. Do you state that it would take thirty to ninety days to change salt so as to be perceptible in weighing the whole?—A. In a warehouse of that kind, yes.

Q. In any place?—A. No, sir; I don't say anything of the kind. Some warehouses are kept open and some closed, with the exception of one door. This happens to be a warehouse of that kind, where it is customary to keep only one door open, and during this time particular care was taken, and I think not more than one or two doors were left open.

Q. Why was particular care taken?—A. Because we looked to see how the thing was working. We began to get sick of the salt business.

Q. To see how what was working?—A. The weights, and so forth.

Q. Were you expecting to have it reweighed?—A. Not necessarily. We didn't know what to expect.

Q. Why were you waiting to see how it worked if you were not expecting to have it reweighed?—A. We wanted to be on the safe side. If it was reweighed we wanted to get the proper weight.

Q. And then you wanted to keep it damp as possible?—A. Not necessarily. We don't connive.

Q. Then why not keep the warehouse open?—A. Because there was no necessity. We were not delivering from that warehouse, except in very small quantities, and sometimes not for several days.

Q. Had you not delivered some small quantities between their weighings?—A. We had stock in another warehouse.

Q. Had you not delivered from this warehouse some small quantities?—A. Not from that cargo.

Q. How do you know?—A. I am sure, because I pay attention to my business, and ought to know.

Q. Do you not have men that do this for you?—A. I supervise it.

Q. Do you see to the delivery of every small quantity personally?—A. I see that cargoes are delivered according to my instructions.

Q. Do you see to the delivery of every small quantity personally?—A. This was not a very small quantity.

Q. Do you see to the delivery of every small quantity personally?—A. I give such instructions. I don't see it personally.

Q. It would be possible for one of your men to have delivered some of this?—A. It was not possible, because I gave such instructions.

Q. Do you have men who cannot disobey your instructions?—A. I have men who try to live up to the law, and do what is just and right. The cargo was in bond, and the duties had not been paid. There was a Government officer there to see that it was not delivered, and none of it was delivered.

Q. Was it in a Government warehouse?—A. It was in a bonded warehouse.

Q. You say that you had other salt in there?—A. Yes, sir.

Q. Did you have control of the doors of that Government warehouse?—A. It was a bonded warehouse.

Q. Did you have control, so that you could open and shut the doors at pleasure?—A. There was a Government officer there.

Q. Did you have control, so as to open and shut the doors at pleasure?—A. No, sir.

Q. Were you there yourself, most of the time?—A. No, sir.

Q. How do you know whether the doors were opened or shut?—A. Because I employ such men as I have confidence in, and I know that they will do what I tell them.

Q. Did you employ the store-keeper?—A. No, sir.

Q. He did not attend to all the doors?—A. I suppose he did not.

Q. What had your man to do with the door?—A. He is there before the store-keeper, and arrives about the time they open the place, and sometimes the officer does not go in for some time.

Q. Have your neighbors any control over the door?—A. None at all.

Q. Have they ever reported how many doors were opened and how many were shut?—A. They may have made complaint that it was not opened early enough, or something of the kind.

Q. About this time, between the first and second weighing, did they report to you whether the warehouse was kept open or closed?—A. No, sir; I have no recollection of it.

Q. And you were not there yourself?—A. No, sir.

Q. You have told this committee that during that time you were careful to keep the door closed?—A. I don't think I told the committee anything of the kind.

Q. What warehouse were you talking about?—A. I was talking particularly of warehouse No. 4.

Q. That is a Government warehouse?—A. That is our warehouse.

Q. Was this salt in your warehouse?—A. This was a bonded warehouse, which belongs to us.

Q. Do you have charge of its doors?—A. No, sir; because there is an officer appointed by the Government for that purpose.

Q. You say you were not in there during these days, between the first and second weighing?—A. Not at all.

Q. And your men have not reported to you how much of the time the doors were opened?—A. No, sir.

Q. Then why do you say the doors were not opened?—A. Because we had salt in another warehouse in the same vicinity which was under storage, and therefore under expense. This being our warehouse, it was under no expense. It might stay there for one month, or sixteen, and cost us no more.

Q. You have not told how you knew when the doors were kept shut or opened.—A. I didn't say that we knew when they were kept shut or opened.

Q. I understood you to say that you kept the doors closed, so that you could see how things would work?—A. Begging your pardon, you didn't understand me to say anything of the kind.

Q. If the salt did dry by exposure, it would have been proper to take the sample from the part not exposed to the drying?—A. It would have been proper to take a fair average of the cargo. Such a fair average was not taken on the second weighing.

Q. I asked you if it was dry on the outside whether it would not be proper to reach down and get a sample from where it was not drying?—A. Moisture goes into the center of the pile, and therefore the center or the bottom sacks are necessarily heavier than those on the top or front or on either side.

By the CHAIRMAN:

Q. Have you other causes of complaint?—A. Yes, sir.

Q. State them.—A. On the 18th of May, 1876, a cargo of salt arrived by the ship Tolomeo, consisting of 544 tons of fine salt. This cargo was filled in a similar manner to the previous one—eleven to the ton, according to the clearances received by our firm from Liverpool. The same weigher weighed this cargo who weighed the previous one. After a few days we ascertained the weights, and found a remarkable case, that this cargo had turned out thirty tons short. That was imported by another party, and not our firm, and it

occurred to me that it was a remarkable circumstance, that salt imported, filled in the same manner in Liverpool, and received here in the same manner as ours, should turn out so differently—a cargo of 707 tons turning out about 21 tons over, and a small cargo of 544 tons turning out some 30 tons and a fraction short.

Q. You were not the importer of the last cargo?—A. No, sir.

Q. Who was?—A. Jackson & Manson, of which firm Mr. David Jackson is a member.

Q. Do you know whether that fact was known to the custom-house officials?—A. I never called it to their attention. I thought it would be a waste of time to do so.

Q. Do you know whether it was known to them or not?—A. The weights have to come from the weigher to the weighing department, and go from there up, and it must have necessarily been known. I don't know that they took any particular notice of it.

Q. Is there any other instance?—A. Well, there are several others, but they are mostly hearsay.

By Mr. CONGER :

Q. Were the importations you have spoken of by your firm of fine salt or coarse?—A. Fine.

Q. The importation last spoken of by Jackson & Manson, was that fine salt?—A. Fine salt—exactly the same.

Q. Are you sure?—A. I am.

Q. When was the importation?—A. That was on the 18th of May, 1876.

Q. Does fine salt gain in transportation, and coarse salt lose in transportation, according to your experience?

The WITNESS. Do you want the truth, or do you want to know what experience I have by the returns of the custom-house?

Mr. CONGER. I want the fact independent of any custom-house. Does fine salt gain by transportation in the hold of a vessel?—A. Fine salt should not lose anything. It should gain a very little, if any.

Q. Does it gain?—A. There is an instance—

Q. Are you willing to answer my question? Does fine salt gain by transportation in the hold of a vessel, according to your general experience?—A. Not all cargoes. Some have gained and some have lost.

Q. On the whole, does fine salt gain or lose by transportation in the hold of a vessel?—A. It should hold its own, and that is about all.

Q. It neither gains nor loses?—A. The gain should be very small, if any.

Q. I ask you generally, independent of all custom-house weighing, and everything of the kind, should fine salt gain or lose in transportation in a vessel's hold?—A. It should gain a very small percentage in my opinion. My knowledge is derived from information I have received. I have never weighed salt, and how am I competent?

Q. Do you say that you are not competent?—A. I am not competent to tell whether one cargo will turn out more or less.

Q. Are you competent to tell whether coarse salt would gain or lose by transportation in a vessel's hold?—A. Coarse salt should lose a small percentage.

Q. You are competent to state that?—A. I think so; some have gained.

Q. Are you competent to answer that question?—A. No, sir; nor any other man.

By the CHAIRMAN :

Q. Did these grievances that you have related occur before or after this matter with regard to the ship *Pericles*, and the importation of salt on that ship in January, 1871?—A. Since then.

Q. Is there any other instance?—A. Any further evidence I would give would be similar to that I have already given. I might quote a dozen or fifteen cases, but it is no use.

Q. You mean to say, substantially, that you do not find that the officers of the custom-house are obliging and ready to afford you facilities in your business?—A. That is exactly what I wish to say.

Q. But you do find the reverse?—A. The reverse with very few exceptions. I would state, if permitted, that about the time of the arrival of this committee—it might have been shortly previous or a day or two afterward—several copies of a document were sent around to the different importers and they were requested to sign. The purport of that paper was an indorsement of the officials as being, in the opinion of the undersigned, perfectly competent, trustworthy, &c. I refused to sign that document.

Q. It was submitted to you, was it?—A. Yes, sir. I believe it was signed by a majority of the importers in town, because they did not dare to refuse it. I was told so by parties.

Q. Have you any further information to give us?—A. None that I can think of just now.

By Mr. VANCE :

Q. Who brought this document to be signed by you or your firm?—A. It was brought by a gentleman employed in the custom-house.

Q. Do you know who he was?—A. I know the party very well, by sight. I think he is a brother of Cranber; I don't know his initials. I heard from other merchants that a similar document had been presented by other clerks.

Q. What time in the day was this document brought to you?—A. In the early part, I think. I do not remember the date exactly. I read it in a very hasty manner.

Q. Was this paper presented to you during business hours?—A. It was; or that is my recollection of it.

Q. By an officer of the custom-house?—A. Yes, sir.

By Mr. CONGER:

Q. Give the committee the names of custom-house officials who have treated you or your firm with discourtesy, and neglected your proper business?—A. I don't know as you have any right to demand that from me. I put myself on record against such and such gentlemen, but I don't care to mention any of their names.

Q. I ask it.—A. I refuse, unless instructed to give it by the chairman.

By the CHAIRMAN:

Q. What reasons have you for declining to answer?—A. Because I feel, like a great many others, that these gentlemen are going to be left here on our hands, and I have to go to them almost every day in the routine of business and submit to such treatment as they may see fit to give me.

[The chairman submitted the refusal of the witness to answer to the committee, and it was decided that the witness should answer.]

The WITNESS. Will you permit me to tell you why I think so?

Mr. CONGER. No.

The WITNESS. Then I refuse.

Mr. CONGER. After you have stated the names, you can make any explanation you think proper.

The WITNESS. I give the name of Mr. Champlin.

By the CHAIRMAN:

Q. What is his position?—A. I think that he is head deputy collector—next to Mr. Herwig.

By Mr. CONGER:

Q. Give the name of another.—A. I have suffered annoyance at the hands of the weighing department in general.

Q. Give the names of the officers.—A. I could not do that. I say the weighing department in general.

Q. That is too broad. Give the name of any officer in that department who has treated you discourteously, or your employés, or neglected your business.—A. I think that Mr. Eichols, the head of the weighing department, has not shown the proper disposition, when applying to him to make a complaint of grievances.

Q. Do you rank him as one of those who have treated you discourteously and neglected your business?—A. Yes.

Q. Give the name of any other official that you recollect who has treated you discourteously, or your employés, or neglected to attend to your business.—A. I cannot say that I can specify any others just now.

Q. Can you not think of another one?—A. I cannot. I believe we don't stand in good favor with any of them.

Q. Now, will you tell me on what occasion Mr. Champlin has treated you discourteously? Give time and circumstance.—A. I think that on one occasion—I don't know the time just now—

Q. Give the year and month.—A. It was during the last twelve months, I think. I can't remember exactly. It was within twelve months or thereabouts.

Q. Was it last winter or summer, or spring or fall?—A. I think a little over a year ago, or about a year.

Q. State the circumstance.—A. At the instigation of certain gentlemen in the same line of business as myself we had expenses put on our firm that did not justly belong to them. The expense amounted to this: It was an increase in the salary of the store-keeper, which it was customary to pay for his attending to the warehouse. The statement made by this party, which was a false one, was accepted by Mr. Champlin, and on this false statement he made the changes and was not willing to make the correction.

Q. The change was an increase in the salary of the store-keeper?—A. As to the amount that we were taxed to pay.

Q. The store-keeper was paid a salary by the Government?—A. The store-keeper gets his money from the Government, but the owner of the warehouse is taxed that amount; the warehouse paying to the Government and the Government paying to the store-keeper. Previous to this time the store-keeper had divided his time between ours and one other warehouse. The statement was made to Mr. Champlin that our warehouse was of such a capacity. That statement was false. Mr. Champlin's duty was to send for us and take our version of the matter, but without doing so he made this change, which was a very unjust one. We complained about it, but he would not make the change. However, he referred it to the gentleman who was acting as warehouse superintendent, Mr. French, I think; and

Mr. French came to us and asked us the circumstances, &c., and then said that he considered it very unjust, and at the instigation of Mr. French the matter was changed.

Q. Changed back to what the rate was before?—A. Yes, sir. Another case was where a cargo of salt had been imported in a vessel known as the Danube. It came here to Carriere & Sons. This matter was rather complicated. It was a question—

Q. You need not state the whole particulars; tell what Mr. Champlin did.—A. In my opinion, and the opinion of those gentlemen of the firm of Carriere & Sons, and our firm, it was simply a question of discretion with Mr. Champlin as to what he had done, and he acted in a very positive and peremptory manner. We considered that it was a very unjust discrimination, the manner in which he acted upon the subject.

Q. Can you give any other instance?—A. I can't remember any other just now.

Q. If you can remember any other, speak of it.—A. Not just now.

Q. How did Mr. Eichols treat your firm discourteously?—A. I had occasion to go to him repeatedly, and though I don't believe he was criminal in the matter, I think his feelings were against us.

Q. State the circumstances and what his feelings were.—A. I cannot give the circumstances, because I had to go to him on many occasions.

Q. You said he was discourteous?—A. I didn't say that he was discourteous; I said I met with some trouble in the conduct of my business. I went to him on many occasions to complain about the weights of our salt, and also to state what I thought about the returns being made; for instance, some cargoes were short and others overweight.

Q. Did he listen to your complaint?—A. He listened, but that is about all.

Q. You say he did not do as you wanted him to do; did he hear what you had to say about it?—A. He listened to what I had to say; yes.

Q. Was he civil in his talk with you?—A. Well, yes.

Q. Would he not have to receive instructions from his superior officer before he could do anything about the matter you presented?—A. That might or might not be; I went to him as being, in my opinion, the proper officer.

Q. Was not the question such a one as he would have to refer to his superior officer?—A. I think I went to him on occasions before it had left his jurisdiction.

Q. Could he effect a change of whatever you desired without the order from his superior officer?—A. On some occasions he might have investigated it and the changes might have been made.

Q. Do you know whether he did investigate?—A. I don't think he ever did.

Q. Do you know other occasions where Mr. Eichols treated you discourteously?—A. No; I cannot remember any others.

Q. Have you any other complaint to make about his official conduct?—A. None; as I said before, I think he was a very just man, but his prejudices may have been against us. There may be other matters that I have forgotten at present, but I cannot think of them just now.

By the CHAIRMAN:

Q. Do you mean for this committee to understand that you do not have the facilities in your office that you think you are entitled to from the custom-house?—A. I believe that.

Q. Do you believe it would be in the power of the collector of the port to cause these facilities to be extended to you for the prompt transaction of your business?—A. Yes, sir; I do. I don't think we have stood in very good favor with the custom-house since the beginning of 1871. I am convinced of it.

NEW ORLEANS, June 16, 1876.

J. A. FREMAUX sworn and examined.

By the CHAIRMAN:

Question. Where do you reside and what is your business?—Answer. I live in the city of New Orleans. I have now a wood-yard.

Q. Were you ever keeper of the parish prison?—A. Yes, sir.

Q. Did you ever have in charge any of the Grant Parish prisoners?—A. Yes, sir.

Q. How many?—A. Every one that came into the city of New Orleans.

Q. Do you recollect about how many?—A. I believe there were about ten. If I had looked over the books of the prison I would know exactly.

Q. Did you make out any bill for the support or maintenance of these prisoners while they were here?—A. Yes, sir.

Q. Who paid that bill?—A. The United States marshal.

Q. How was the settlement made? Please explain to the committee.—A. The thing was just this way, that all the bills for the United States prisoners brought to the United States marshal for payment had to suffer a deduction of 10 per cent. for the benefit of the office of the marshal.

Q. Explain that particularly.—A. Suppose I bring a bill of \$500 for maintenance of prisoners of the United States Government for six months. I would receive a check for \$450 instead of \$500, which I would deliver to the sheriff of the parish of Orleans.

Q. Was the bill reduced that much?—A. Yes, sir.

Q. How would the bill be receipted?—A. It would not be paid unless they deducted that 10 per cent.

Q. Would that deduction be made on the face of the bill itself?—A. Yes, sir; I would present the bill for \$500 in round numbers. For instance, suppose it was made out regularly against the United States Government. They would charge the Government of the United States under that bill \$500, and pay us only \$450 by a check, which check I would give to the sheriff.

Q. How do you know they charged the Government \$500?—A. Because it was on the pay-roll. All the prisoners that came into the parish prison are dated and are allowed sixty cents a day for feed. This is the fare of the parish of Orleans for all prisoners, and the same fare is allowed by the United States Government. When we make out the bill for United States prisoners it is made on the same principle as for the prisoners of the parish of Orleans; and it was brought down to the marshal's office, and the deduction of the bill was 10 per cent. At first I did not want to receive the money, and went and saw the sheriff and told him they wanted to take 10 per cent. out of the bill; he was very much dissatisfied and went and saw the attorney-general of the State, and the attorney-general of the State told him "If you don't do it they will put—"

Q. How did you happen to know about it?—A. I know that it was deducted out of the bill as I tell you.

Q. Was it deducted in favor of the Government?—A. No, sir; in favor of the officers.

By Mr. NEW:

Q. Are you the keeper of the parish prison?—A. I was at that time.

Q. How long were you in charge of the prison?

The WITNESS. Do you mean before the war, or after the war and all?

Mr. NEW. During the time you complain of.

A. That was under the administration of Mr. Parker, the sheriff.

Q. Were any prisoners that were in charge of the United States marshal confined in your prison?—A. All the prisoners that were in charge by the United States were sent down to the parish prison.

Q. Do I understand that this amount which you say you were discounted for the keeping of prisoners was retained by the marshal?—A. Yes, sir.

Q. How many accounts of that kind have you made out, if you can tell?—A. We collect from the United States marshal every six months, or every four months—I am under the impression it was every six months—for the prisoners sent there by the United States marshal.

Q. Before getting the money would you make out a statement of what the Government was owing you up to that date?—A. Yes, sir.

Q. From a given date?—A. From a given date.

Q. Where would you go with that statement?—A. To the United States marshal.

Q. To his office?—A. Yes, sir.

Q. From whom would you receive a check?—A. I received it from Major DeKlyne.

Q. Who is he?—A. The first deputy of Marshal Packard.

Q. Who else did you receive checks from?—A. The last one I received was from the first deputy—I forget his name. That bill was not charged 10 per cent. The sheriff told me he did not take 10 per cent.

Q. How many bills altogether have you presented at the office of the United States marshal?—A. Four, I believe.

Q. Three of those were discounted 10 per cent.?—A. Yes, sir.

Q. And one of them was paid in full?—A. Yes, sir; according to my recollection.

Q. That was the last?—A. Yes.

Q. How much did the three bills that were discounted amount to altogether? I do not mean how much were you paid on them.—A. I could not tell you, for this reason: when the bill was made, I, being first deputy of the parish prison, would go and take it to the United States marshal after it had been sworn to, and I would give the money back to the sheriff. That is why I don't fix the amount.

Q. Can you not state about how much these three bills amounted to?—A. I should say about \$2,000, or a little more or less.

Q. How much did the last bill amount to that you presented?—A. I could not say. That was paid in full. The last bill was, perhaps, \$300 or \$400.

Q. About how long has it been since the first bill was presented?—A. It must be three and a half years.

Q. The other two bills and those three were presented every six months afterward?—A. Yes, sir.

Q. What was said, if anything, by the deputy marshal at the time you presented the bill and received the draft?—A. I think he said that they would have to advance the money to pay those bills.

Q. That there were no funds on hand belonging to the Government, did he mean?—A. Yes, sir; something in that neighborhood. But, anyhow, the check, instead of being a private check, was always—at least my impression is—I know that the check was paid at the mint.

Q. At the subtreasury?—A. At the subtreasury.

Q. Is the subtreasury at the mint?—A. That is where we were sent.

Q. Did you have the checks cashed yourself?—A. No, sir; I gave them to the sheriff, and he got them cashed.

Q. What is the sheriff's name?—A. Isaac W. Patton.

Q. How do you know the checks were paid there?—A. Because it was put there.

Q. They were made payable there?—A. Yes, sir.

Q. Where is Mr. Patton now?—A. In the city of New Orleans. I believe he is working at the city hall.

Q. The reason given for giving a check for ten per cent. less than the amount claimed was that they had no funds on hand belonging to the Government?—A. That was my impression. That was only said that first time. It went on that way.

Q. You think the whole amount was about \$2,000?—A. It may be more.

Q. Did you ever have any talk with the marshal himself about it?—A. No, sir.

Q. Do you know whether the marshal had any knowledge of these transactions?—A. In fact I could not tell you if the check which was paid was signed by the marshal of the United States or by Mr. DeKlyne.

Q. Did you get the check or draft at the same time that you presented the account, without going away and coming back for it?—A. No, sir; I think they were sent to the private office of the marshal.

Q. You took the account yourself?—A. Yes, sir; I showed the account, and it was looked over by Mr. DeKlyne, and I always came the next day for the check.

Q. When you came the next day for the check from whom did you receive it?—A. From Mr. DeKlyne.

Q. Did DeKlyne have an office separate and apart from the marshal's, or was he at the marshal's office?—A. The United States marshal was in a room, and the private office of the marshal was next to it.

Q. Was the marshal himself present when you received these checks, or either of them?—A. No, sir; not to my knowledge.

Q. Did you ever say anything to the marshal about it when you received the first check?—A. When I received the first check I went to the sheriff and told him that 10 per cent. had been deducted.

Q. You accepted it with that deduction?—A. I did.

Q. Did you ever say anything to the marshal himself about it?—A. No, sir. After I had reported to my superior officer it was his interest to see all about it.

Q. Are you sure that each one of these checks was made payable at the subtreasury?—A. Yes, sir; to my best knowledge it was.

By Mr. CONGER:

Q. Was it while these Grant Parish prisoners were here that the first bill was presented?—A. Before and after.

Q. It was for keeping them?—A. I used to keep all the prisoners of the United States.

Q. Was this charge for keeping the Grant Parish prisoners?—A. The Grant Parish prisoners were included in our bill. There was no difference between the charges for the Grant Parish prisoners and others.

Q. Were some of the receipts taken before the Grant Parish prisoners were discharged and some afterward?—A. Yes, sir.

By Mr. VANCE:

Q. And some were taken before the Grant Parish prisoners were brought here?—A. Yes, sir.

NEW ORLEANS, June 16, 1876.

CHARLES J. LEVEQUE sworn and examined.

By Mr. REILLY:

Question. What is your business?—Answer. I am a book-keeper.

Q. In what firm?—A. In the house of Marks Brothers & Co.

Q. How long have you been a resident in this city?—A. All my life.

Q. Is the firm that you are engaged with a firm of heavy importers?—A. Yes, sir.

Q. What is the character of their business?—A. Dry goods and liquors from France, wines, &c.

Q. Have you ever been engaged in this business yourself?—A. Yes, sir; in 1865.

Q. Up to what time?—A. Up to the panic of 1873.

Q. Are you brought in contact with the custom-house officers at this port to any extent?—A. Not now.

Q. Have you been within late years?—A. I was when I was in business for myself.

Q. When was that?—A. From 1865 to 1873.

Q. What business were you engaged in?—A. The commission business and the importation of West India produce.

Q. What did that mainly comprise?—A. I principally imported cigars.

Q. If at any time, or on any occasion, you have experienced any difficulties, delays, or irregularities in the management of the custom-house, state to the committee any such instances and what the character of them was.—A. The only irregularity that I met with was during the administration of Mr. Kellogg. I received here a consignment, which came consigned to me, of 2,000 Mexican dollars, on the schooner *Surprise*. That was some time in the year 1869; I do not remember exactly the date. Mr. Kellogg had that importation confiscated. The money was deposited in bank for some time. I repeatedly called upon the deputy collector, Mr. Stockdale, for redress, but I never got any. At the time this schooner brought this specie she brought also a quantity of fruit; that fruit was the identical thing that brought this vessel into contact with the law. The law was the old law, that no vessel measuring less than thirty-one tons should bring merchandise that pays duty into a port of the United States. The schooner was, I understand, only twenty-eight or twenty-nine tons, and on that plea the vessel was confiscated, cargo and all, the same day that the vessel arrived. Piniola, who was the consignee of the fruit, presented his entry and his entry was accepted. The duty, on the same day, was paid by Mr. Piniola, and I followed him from desk to desk, until he had consummated the permit; that is, had got it in conformity with the law. I then presented again my permit for my specie, which was free of duty; they refused the entry thereof; I thought it was an irregularity. I followed Mr. Piniola then to the schooner, and I saw him sell the cargo of fruit at public auction. With the permit in hand, I repaired again the next day to the custom-house, but no redress could I have at all. I saw Mr. Kellogg, and I told him that I would bring him before the United States court by a rule, which I had a right to do. He said that he would answer the rule, and that he had no more to do with the thing; the vessel was seized and was in the hands of Mr. Torrey. I wrote to Mr. Torrey the whole history of this affair, and in about a week afterward the case came up for trial and I got a judgment against Mr. Kellogg, and my specie was thereby released. I suffered by the consequences of the seizure, and I had to pay a hundred dollars, more or less, costs and attorney fees, which I never got back. Another irregularity which happened to me in the course of my business was in reference to the American steamer *Mexico*, navigating between Galveston and Havana with cattle. The steamer was not coppered, she had a wooden bottom, and therefore she could not safely remain in the port of Havana on account of worms. The parties interested consigned the steamer over to me with a request that all hands should be discharged. She did arrive, and Mr. Stockdale requested me to make an entrance for the coal she brought.

Q. When was this?—A. Under Kellogg's administration. I refused to pay duty upon the coal when they asked me to do so. I refused because I thought it was not proper, and Mr. Stockdale was very discourteous to me all that time. He told me at last not to call any more at the office. I told him I would call there at the peril of my life, even, to defend the interest that was placed under my charge.

Q. Have you any knowledge of any irregularities under the present administration of Colonel Casey?—A. Not under the present administration, with the exception that I have had occasion to have an investigation made about cigars that were short in some cases that I shipped in transit to Brownsville. There was a big piece of lead found in the case in that instance after it arrived at Brownsville.

Q. Were those cigars that you had exported?—A. I had exported them from warehouse No. 6. They went to Brownsville, and they would not allow them to cross over from Brownsville to Matamoras, because they were short. There were thirty-seven hundred and odd cigars missing. I reported these circumstances to Mr. Kinsella. Mr. Kinsella promised to investigate the thing, but he never did, so I investigated it myself personally. I followed the cigars to Brownsville. I made a voyage expressly on that account. I was always in the habit of asking redress from the highest competent authority, and I used to direct my complaints directly to the Secretary of the Treasury. The officials of the custom-house told me that I should in future communicate through them, but I would not do it. They said that I was a man prejudiced against the Government of the United States and against them. I swear that I never was a prejudiced man against any human being, and Mr. Boutwell, who was then the Secretary of the Treasury, sent me several letters, which I have still. I was shipping a lot of bonded goods myself on one occasion, and to prove that Mr. Kinsella's report in the cigar case, which was to the effect that the seals, when these cigars arrived at Brownsville, were broken, and that therefore the cigars must have been taken out in transit from New Orleans to Brownsville, was erroneous. I examined that matter very carefully. I thought at the time those cigars were missing that it was very strange if, on board a steamer, sailors or anybody else should put a piece of lead in a case and take all that trouble in order

to make the weight of the case conform to the weight which the cigars originally made. Subsequently I was importing myself a lot of bonded goods from Manchester. They dropped from the dray on the levee and the cords snapped. I took the numbers of several of those boxes, and I brought them to Mr. Kinsella and told him that I thought his report was erroneous, as, before the goods in this case had got to the warehouse, the cords and seals had been broken. I told him that as that was the case he could not guide himself by that. I would not rest satisfied with his report, because the investigation was not a fair one in my case.

Q. These goods that you exported you had in warehouse No. 6?—A. Yes, sir.

Q. What quantity of cigars did you export?—A. There were fifteen thousand.

Q. Did you count them in the warehouse before you gave bond?—A. No, sir; I never counted them, and never saw them.

Q. You made a withdrawal of fifteen thousand cigars from your stock in the warehouse, and shipped them to Brownsville?—A. Yes, sir.

Q. And when they got there they were thirty-seven hundred cigars short, with a piece of lead in the box?—A. Yes, sir.

Q. Did you see those cigars when they arrived at Brownsville?—A. I never saw them; they were examined at the appraiser's office before they were sent to the warehouse.

Q. They were invoiced and passed all right?—A. Yes, sir.

Q. They were the same quantity that were invoiced?—A. Yes, sir.

Q. And you paid duty on the same quantity that were invoiced?—A. I had to pay the bond and the duty on the missing cigars, because they would not give me the certificate to cancel my bond.

Q. What reason have you for charging any dereliction of duty on the custom-house officials in that case?—A. Because they did not give me a fair investigation. They investigated it themselves, and I was not made a party to the investigation. I say it was an *ex parte* investigation.

By Mr. WOODBURN:

Q. You came to the conclusion, after your investigation in Brownsville, that the goods had been opened in transit between New Orleans and Brownsville?—A. No, sir; it was Mr. Kinsella who came to that conclusion.

Q. Did he tell you what he based his opinion on?—A. He said it was because the cords arrived broken.

Q. Was it not the custom of the custom-house officials to see that all the cases were corded and sealed before they were placed on the ship for exportation?—A. It is the duty of the officer to accompany the goods.

Q. And that was the reason on which he based that opinion of his?—A. Yes, sir.

By Mr. REILLY:

Q. You do not know where these cigars were taken out?—A. No, sir; I never saw them. They were under the control of the Government.

NEW ORLEANS, LA., June 16, 1876.

ROBERT Y. CHARNBURY sworn and examined.

By Mr. REILLY:

Question. Are you a resident of New Orleans?—Answer. I have been here thirty-four years.

Q. State whether you were in the bonded-warehouse business in this city.—A. I was in it from 1867 to 1874.

Q. You are then familiar with the conduct of business of that character?—A. I understand it thoroughly.

Q. If you know of any irregularities or improper conduct on the part of the custom-house officers in the management of the bonded warehouses at this port, state it to this committee.—A. I conducted the business of the Liverpool bonded warehouse; I found after a short time that Mr. Herwig had warehouse No. 6. Everything went on very well until that time; after that time I found nothing but opposition, annoyance, and trouble—every obstacle was thrown in my way. For example, I will narrate one thing; at the Liverpool warehouse, No. 11, which was my warehouse, there was a yard attached to the building, and I had a custom-house officer there whom I had to pay \$120 a month; I paid him only indirectly, of course, for the Government pays the officers, and then I have to pay the Government. They thought, however, that it was not sufficient for me to have this one custom-house officer; the excuse being that a Government officer could not attend to a class 3 and class 4 at the same time. My answer was that a Government officer was attending to two classes in my case, and I showed that an officer was attending to Mr. Gosh's warehouse, which is class 2 and class 4. I made objections to having another Government officer, and threatened to close

up the yard, as I could not stand a payment of \$200, or perhaps \$250 a month. I spoke to Mr. Casey about it, and he left it with Mr. Kinsella. I complained to Mr. Joseph Herwig there, but I could get no redress. At last, Mr. Kinsella, after the officer had been over there perhaps two months, relieved me of that one thing. I will state, also, that opposite the Liverpool warehouse there is a large wharf; this warehouse was built by a Liverpool firm for their steamers. Captain Decan would send steamers to this wharf to use the warehouse. For two or three years everything went on as well as I could desire. After a time, however, warehouse No. 6 got all the general orders, and I was cut out of my business. The general orders would go three miles away from me, although Captain Decan, Captain Miller, and Mr. Ross wished the goods to come to my warehouse. Many obstacles were thrown in my way. I got sick in 1874, and I told Felix Herwig I was tired of the thing. Then Ernest Herwig came forward and took this warehouse of mine for four years at \$4,000 a year, assuming the yard-rent, which was \$100 a month. He waited until I went to Europe, then got into the warehouse; sent all the goods to warehouse No. 6, and let my notes whistle; and I not only lost all my rent but a great deal more. I have got judgments against him, but can make nothing out of them.

Q. If you know of any improper conduct in the consignment of goods to other of these warehouses or anything that was improper or illegal, or that failed to be a proper discharge of duty on the part of any of the Federal officers, you may state it.—A. These steamers were sent to the wharf to use the warehouse. Captain Decan, to assist the consignees, would make a bargain with me to keep the goods three days without any expense to the consignees, and we would take the freight in that way. But, after that time, warehouse No. 6 got these general orders. I have seen a steamer come in at twelve o'clock and at six o'clock the next day all the goods would be hurried off to the general order; there where 600 parcels in one lot taken in that way. Anderson and Simpson will tell you the same thing if you wish to know it. I refer you for the general orders to Mr. Crawford's book that he keeps in the custom-house; that will show that No. 6 warehouse has got all the general orders for the last seven or eight years.

Q. What is there wrong or improper in the custom-house officers sending goods to warehouse No. 6?—A. It is improper, because the rule was that the nearest warehouse should get the goods. Here were vessels lying within a few yards of me, and yet all those goods would be sent to a warehouse miles away.

Q. Is not that a question within the discretion of the collector?—A. I think not.

Q. Is it not within his discretion where the general order shall be to?—A. A general order should be to the nearest warehouse. There have been great losses arising from a violation of that rule. Mr. Ross will tell you of a loss he made of \$200 by goods being sent off in that way.

Q. Were any of the custom-house officers interested in warehouse No. 6 that you know of?—A. Not that I know of.

NEW ORLEANS, LA, June 16, 1876.

JAMES L. MORRISON recalled and further examined.

By Mr. REILLY:

Question. Did you ever have any conversation with Augustus Ferguson, the brother of George W. Ferguson?—Answer. In reference to what?

Q. In reference to his brother George.—A. Yes, sir.

Q. And in reference to his testimony before this committee?—A. I had a conversation with him.

Q. What did you say in that conversation about George?—A. I met him on the corner of the street, and we were joking together, and I made an offer to bet with him that his brother was here in town; it was the impression of every one that he was here.

Q. Was that all that occurred between you?—A. That is all that I remember.

Q. You said nothing about these eleven cases of guava jelly?—A. No, sir.

Q. And you said nothing about the fact that his brother would not appear before this committee?—A. No, sir; I did not say anything of that kind; what I said was merely about whether he was here in town.

Q. The only conversation was in a joking manner, in which you offered to bet that his brother was in the city?—A. Yes, sir; the way it happened was this: when his brother was in Washington, I met him on the street; everybody in the custom-house had heard that Ferguson was sick, so I asked his brother where he was; he looked at me and laughed. I said, "There must be something wrong." He said, "There is nothing wrong." I asked him why didn't he come round. He said he did not care about it. He said that everybody asked him about where his brother was, and it was disgusting, and he did not care about hearing it.

By Mr. CONGER:

Q. That was in reference to the story that was told after Ferguson went away, to the effect that he was sick at home?—A. Yes, sir.

Q. And that he had the small-pox?—A. That is what I heard. I inquired of his brother how he was, because I saw him all the time.

NEW ORLEANS, LA., June 16, 1876.

PHILIP H. GUITIERREZ sworn and examined.

By Mr. REILLY:

Question. Have you ever been employed in the custom-house?—Answer. No, sir.

Q. State whether you ever received any money at the custom-house or from any person whom you know to be a custom-house official.—A. No, sir; I never received any money in the custom-house. I never signed any pay-roll in the custom-house.

Q. Did you sign any pay-roll away from the custom-house?—A. No, sir; I never did.

Q. Do you know whether your name appears upon any voucher for the payment of money through the custom-house?—A. No, sir; not that I know of.

Q. Did you ever receive any money from any custom-house officer?—A. No, sir. In 1872, Mr. Henry Turner came to me once, and asked me if I wanted a situation to keep the peace in the parish of Saint Bernard during the campaign of 1872. I told him yes, that I would, and so I was employed by Mr. Thomas Ong to keep the peace in the parish during the campaign of 1872; but I never received any compensation from the custom-house that I know of, and I never signed any pay-roll at all.

Q. How much money did you receive?—A. About \$120.

Q. You received \$3 a day?—A. No, sir, not quite; because I was engaged there for about two months, and I only received \$120 or \$130 altogether.

Q. Was Mr. Thomas Ong an officer of your parish?—A. No, sir; he was not. He was in the custom-house.

Q. Did he live in your parish?—A. At the time he had a plantation down there.

Q. But he held no public office?—A. No, sir; but he was a candidate for the house of representatives.

Q. Were you to keep the peace or to help influence the election?—A. It was to keep the peace.

Q. That is all the arrangement made with you?—A. That is all.

Q. And you never gave any receipt of any kind?—A. No, sir.

Q. Are you sure about it?—A. I am sure about it.

Q. You never signed any sort of document?—A. No, sir; I never did.

Q. And they never asked you to sign any?—A. No, sir.

Q. How did you understand you were to be paid the \$3 a day that Mr. Turner spoke about?—A. It was to keep the peace; they were afraid that there would be some trouble in that parish.

Q. Who did Turner tell you was to pay you \$3 a day to keep the peace?—A. It was to be paid by Mr. Ong.

Q. Who was Henry Turner?—A. He is a planter in the parish.

Q. Do you know whether he signed your name to any document?—A. No, sir; that I do not know.

Q. Did you authorize him to do it?—A. No, sir; nor any one else.

Q. Did he tell you he put you on any roll?—A. No, sir.

Q. Was there anything said about any post-roll?—A. No, sir.

Q. Or any pay-roll of any kind?—A. No, sir.

Q. Or where you were to get your money from?—A. No, sir.

Q. But he said Ong would pay you?—A. Yes, sir, Mr. Ong; and the little money I received was from Mr. Ong himself. I never received it in the custom-house, either.

Q. Did you go to see Mr. Ong after you saw Mr. Turner?—A. Yes, sir; I saw him afterward.

Q. Where did you see him?—A. I saw him at Mr. Balder's, on Canal street. I think that was his sister-in-law's.

Q. Did you go there to see him?—A. Yes, sir; I came there to get my money. I had not made anything at all up to that.

Q. Was the money paid to you there?—A. Yes, sir.

Q. And you are quite sure you signed no document or paper?—A. No, sir; I never did.

Q. You do not know whether or not there is a document on file in the department for your pay—for that \$120?—A. No, sir.

Q. You did get the money of Mr. Ong?—A. Yes, sir.

Q. What position did he hold in the custom-house at that time?—A. He was appraiser there in the custom-house.

Q. What time was that in 1872?—A. That was about September, 1872.

By Mr. WOODBURN :

Q. Is there any other man of your name in the State of Louisiana ?—A. Yes, sir ; I think there is ; I am sure there are several Guitierrez.

Q. You did not receive this money from this man in the appraiser's office as an officer in the custom-house, did you ?—A. No, sir.

Q. But he was a candidate in the parish of Saint Bernard, and gave you so much money, so that he could have a fair election ?—A. He did not make any arrangement with me for his election. I was just to keep the peace in his parish.

Q. He was running for an office in that parish ?—A. Yes, sir.

By the CHAIRMAN :

Q. Do you know anybody at work in the custom-house by your name ?—A. No, sir ; I am not acquainted in the custom-house at all.

Q. Is there anybody that you know of with your name that has also got your name of Philip ?—A. I do not know, sir ; there are many others named Philip ; perhaps some of that name are employed in the custom-house, but I am not at all acquainted in the custom-house.

By Mr. REILLY :

Q. Did you electioneer for Mr. Ong ?—A. No, sir.

Q. You did not take any part in the election at all ?—A. No, sir.

Q. Do you know where Henry Turner is now ?—A. He is in the parish of Saint Bernard.

Q. Did he tell you at the time he made this arrangement that he (Turner) was getting \$3 a day ?—A. No, sir ; he did not tell me that.

Q. He did not say anything about his being employed, or that he had the same kind of a situation that he wanted to get for you ?—A. No, sir.

By Mr. WHITAKER :

Q. Turner is a planter in that parish, is not he ?—A. Yes, sir ; he is a planter there in that parish.

NEW ORLEANS, LA., *June 16, 1876.*

BENOIT OGEDA sworn and examlned.

By Mr. REILLY :

Question. Where do you live ?—Answer. I live now in New Orleans.

Q. State whether or not you have ever been in the employ of the custom-house at this place.—A. I have not.

Q. Have you ever rendered any service to the United States Government in any capacity ?—A. No, sir.

Q. State whether you have ever received any money at the custom-house from the custom-house officials.—A. No, sir.

Q. You mean to say that you never received any pay at the custom-house ?—A. I never received any at the custom-house.

Q. Or from any custom-house official at any time ?—A. I received some from Mr. Thomas Ong ; I do not know whether it was for being employed in the custom-house, or where ; it was for nothing in the custom-house.

Q. When was it you received the money ?—A. It was about a month and a few days before the election in 1872.

Q. Did you know Mr. Ong ?—A. Yes, sir.

Q. Do you know that he was in the employ of the custom-house ?—A. I heard that he was appraiser, or something of that kind, of cigars.

Q. Where was the money paid to you by him ?—A. It was at R. H. Balder's, on Canal street, a shoe-store.

Q. How much was it ?—A. Ninety dollars.

Q. Was that all you received ?—A. No, sir ; I received in the second month, three days before the election, \$40.

Q. Did you receive the money both times at the same place ?—A. I received some money in Saint Bernard Parish, at the court-house, and some in Canal street.

Q. Did you sign any document or give any receipt, or anything of that kind, when you got the money ?—A. I never did.

Q. Were you asked to give any ?—A. No, sir.

Q. Was there anything said about it at either time by you or Mr. Ong ?—A. No, sir ; the first day when Mr. Henry Turner came to me, being sent by Mr. Ong and Mr. Sypher to ask me to keep the peace during the three months before the election, and on the day of

election, I asked him if that would require any oath or joining in with the republican party, for if that was so I would not accept it. He told me that would not require anything of the sort; it would require nothing but to go into the parish and stay there. So I did so. I was then employed ten or fifteen days by R. J. Ruiz as warehouse-keeper, at Poydras landing, Saint Bernard Parish.

Q. Were you employed to receive the goods from the planters?—A. Yes, sir; that was at the same time I got \$3 a day.

Q. Did you get \$3 a day for that work as well?—A. I got \$70 from Captain Ruiz and \$3 a day for keeping the peace in the parish of Saint Bernard.

Q. Then this \$90 and \$40 that you got from Mr. Ong was separate from what you got from Ruiz?—A. Yes, sir.

Q. Do you know that your name appears on the rolls of the custom-house as an employé?—A. I never heard it till now.

Q. You do not know whether there is any voucher in your name or not?—A. I do not know.

Q. Do you know whether there is anybody of your name employed in the custom-house?—A. I do not believe there is one of the same name in Louisiana.

By Mr. WOODBURN:

Q. Did you get your money by check or in bills?—A. I got a bill, which I discounted at Mr. Caverock's bank.

Q. Who drew the check?—A. Mr. Ong.

Q. Did you read it?—A. I did not read it. I saw the amount on the check.

Q. What amount was on it?—A. Ninety dollars.

Q. Can you read English?—A. A little.

Q. Whose name was signed to it?—A. I cannot recollect.

Q. Cannot you recollect whether or not it was Mr. Ong's name?—A. I saw Mr. Ong write the check on his desk, but I cannot recollect the name that he signed.

Q. Mr. Ong was an appraiser in the custom-house at that time?—A. Yes, sir.

Q. And he was a candidate in the parish of Saint Bernard?—A. Yes, sir; for representative.

Q. Did he apprehend any trouble at the polls on election-day?—A. No, sir; I do not believe so.

Q. What did he want to hire you for a peace-officer for?—A. I suppose to insure his election—to protect his election as a candidate.

Q. Were you paid to use your influence for him?—A. No, sir; I never used my influence for him; I never was employed for that.

Q. Was everything very peaceful up there?—A. Yes, sir.

Q. No trouble expected?—A. No trouble expected.

Q. What did he want you to protect him for then?—A. That is more than I can tell you.

Q. You did not belong to his political party?—A. No, sir; not at all.

Q. Where did you present the check?—A. At the bank; I cannot tell you exactly where it was; it was at Mr. Caverock's bank.

Q. Can you tell us anything else that was on the check except the \$90?—A. No, sir; I know the bank was on Canal street, between Saint Charles and Camp.

Q. Did you see the name of "appraiser" on the check?—A. No, sir.

Q. When you received the \$40, did you get a check for that?—A. No, sir.

Q. How was that paid?—A. He came to me three days before election and told me he could not give me the full amount, but he would give me \$10, and after the election he would give me the balance. I knew the balance was lost, but I accepted the \$40 anyhow.

Q. How much did he agree to give you in the first instance?—A. Three dollars a day.

Q. Did you promise to go up to that parish?—A. Yes, sir.

Q. Did you go?—A. Yes, sir.

Q. Did you stay there the entire time?—A. I staid there the entire time, and staid till three months ago.

Q. Did you ever ask him for the money afterward?—A. I did not ask him for it; I knew that I could not get it; I came to see him, but I never did see him.

Q. If it was Government money that you were getting, would not you have got it?—A. I would not accept it, if it was Government money.

Q. Why?—A. Because I would not work for the Government.

Q. You did not calculate to render any service for what you got?—A. No, sir; the only thing I intended to do was to keep the peace—a thing I like very well.

Q. You did not expect to have anything to do in the line of preserving the peace, did you?—A. No, sir; not at all.

Q. You had no idea it was Government money you were getting?—A. No, sir; not at all.

Q. There was nothing said to indicate that it was money belonging to the custom-house?—A. Not at all, the first day; if it was anything from the custom-house or the republican party, I would not accept it.

Q. Mr. Turner is a planter?—A. He is now overseeing for Mr. Ong.

Q. You deemed it a perfectly honest transaction?—A. Yes, sir.

Q. Turner was a friend of Ong, who was anxious to see him elected?—A. Yes, sir.

NEW ORLEANS, LA., June 16, 1876.

JOHN G. L. KRUSE sworn and examined.

By Mr. REILLY :

Question. What is your business?—Answer. Land and claim agent and an attorney.

Q. You do business in this city?—A. Yes, sir.

Q. Do you know of any irregularities in the management of the land or the register of lands' office in this place?—A. Yes, sir.

Q. State what information or knowledge you have upon that subject.—A. I will state, first, that I am very conversant with the business in my office, having been employed by the Department of the Interior, in the year 1867, as the authorized clerk of that office, and people would come to me and ask me to see about their titles, &c.

Q. Is that a United States office?—A. Yes, sir.

Q. What officers do you complain about now?—A. Julian Neville and E. W. Holbrook.

Q. What official title have they?—A. Julian Neville was receiver of public moneys in the land-office, and E. W. Holbrook was register in the land-office.

Q. What date was this?—A. On the 4th or 5th of December.

Q. These are United States offices in connection with the public lands of the United States?—A. Yes, sir.

Q. Proceed now with any statement you wish to make.—A. John W. Hawkins appeared at the land-office on or about the 5th of December, 1874. Hawkins is a colored man, who can neither read nor write. He resides in Baton Rouge, La. On that date he entered a notice to contest an entry under the homestead act made by John Lee upon the southwest corner of section 30, township 4 south, range 3 east; for this notice he paid \$15, and, in addition to this payment, another like sum of \$15 was taken from him for the purpose of purchasing this very same land that had been given out already to John N. Lee, and he got a receipt for the money. Here [showing a paper] is the receipt of Julian Neville; that receipt he presented in the land-office on September 23, 1875, and at the same time he demanded the return of his money, because he was informed that the entry of Lee, instead of having been canceled, had not been canceled; but that, on the other hand, Lee had got a full title to his entry.

Q. Was this presentation and demand made in your presence?—A. Yes, sir; that is, when I got this paper. I then took it upon myself to collect the money for him. I thought at first that very likely there was a misunderstanding, since E. W. Holbrook was no longer register, but collector of customs in Morgan City, La. The next day I went to Mr. Neville and presented that receipt, and asked him to explain that. He told me that this man who had given this receipt to Hawkins was Holbrook's clerk, and that he could not be held accountable in the matter. I addressed a letter to Mr. Holbrook, asking the return of that money. Afterward I went again to Neville and asked him about it. I told Mr. Holbrook to settle at the land-office, either by letter or personally, he appointing the time and place for me to come and get the money. Mr. Neville told me that Mr. Holbrook had received my letter, and that he would pay me the money back after awhile. I went there several times, but I have never seen Mr. Holbrook or any one else, and I did not get the money for that paper. At last, I told Mr. Neville if the money was not forthcoming in a few days, I would inform the Department at Washington about the transaction; this thing was a shame, as the land-office was not authorized to employ any one at all in the first place, and in the second place they had no right to have an entry recorded against lands already occupied. I wrote the whole statement to Washington, and I have the letter with me that I received in regard to it. I wrote to the Department before this committee was appointed.

By the CHAIRMAN :

Q. Were you present when this receipt was given?—A. No, sir; I was not there at that time. I understood at the time that I heard first about the case that Mr. Hawkins had been there several times with the receipt, had presented it, and wanted to get his money back, but they always put him off.

Q. Do you know whether this man who signed the receipt was actually in the office?—A. I understood that this man, John Smith, was engaged as a clerk in the land-office by Mr. Neville and Mr. Holbrook at a salary of \$10 a month.

Q. Did you ever see John Smith there in the office?—A. No, sir; I know that receipt was given in the land-office, because if the clerk had kept the money he would not have signed his name to it. I suppose he got a copy of the letter I sent to Washington.

By Mr. CONGER :

Q. I observe that this letter from the land-office, dated June 8, says that the examination made there failed to show that that money had ever been reported to the office?—A. Yes, sir, and that is what I come here for; I show on the receipt that the money was paid.

Q. But you show receipts signed by John Smith?—A. It is signed by Julian Neville, by John Smith.

Q. The register, however, is not authorized to employ a clerk, and no clerk can give an official receipt with authority of law?—A. No, sir.

Q. Have you ever seen that man John Smith?—A. No, sir, I have nothing to do with John Smith. John Smith is not an official person.

Q. That receipt is a receipt not authorized by law; it is evidently not signed by Mr. Neville. Did Mr. Neville ever say he got that money?—A. Mr. Neville told me that this young man was employed in the office as their combined clerk.

Q. Did Mr. Neville ever say to you that he got this \$15?—A. No, of course he did not say it to me, and Mr. Holbrook did not say it to me, because all my inquiries failed to find out where the money was.

Q. Mr. Neville never admitted receiving this money?—A. No, sir.

Q. What was Mr. Holbrook at that time?—A. He was register.

Q. And Mr. Holbrook denied having received it?—A. No, sir, he never answered my letter; he sent word that he would see and have this thing fixed up.

Q. You say, however, that Mr. Holbrook never received the money legally?—A. No, sir, neither Mr. Holbrook nor Mr. Neville legally received the money.

Q. Mr. Holbrook never receives money, does he; he is register?—A. He is register, and by law he cannot receive money.

Q. Therefore it could not have come to him legally?—A. No, sir.

Q. But Neville himself would have a right to receive money properly paid in there?—A. Yes, sir; but if Mr. Neville was not in the office, the register might have received it for Mr. Neville.

Q. Did Mr. Neville ever deny having received this money?—A. He said he did not know anything about the whole transaction. He said that Mr. Smith was Holbrook's clerk, but he admitted that Smith was there on a joint salary from both of them.

By the CHAIRMAN:

Q. Did you ever show this receipt to Mr. Neville?—A. Yes, sir; many times.

Q. What did he say when you presented it to him?—A. He said he could not do anything. I told him it was an official document.

Q. Did he ever tell you that it was all right, and that Mr. Smith was authorized to sign for him?—A. No, sir.

Q. Did you ever know any other case where Smith had signed for him?—A. I could not tell you that; I have no interest in this case except that it is put in my hands for collection.

NEW ORLEANS, LA., *June 17, 1876.*

JULIAN NEVILLE sworn and examined.

By the CHAIRMAN:

Question. What is your occupation?—Answer. Receiver of public money in the land-office.

Q. Who is the head of the land-office?—A. The register.

Q. Who is he?—A. Senator Breaux; he is out on his plantation.

Q. Is he State senator?—A. Yes, sir.

Q. Did you ever receive \$30 from John S. Hawkins?—A. Never.

Q. Did you ever receive any sum of money?—A. No, sir; never from him.

Q. Have you got a man in your employ as clerk by the name of John Smith?—A. There was a young boy there by that name. The most of what he did was that he swept out the office.

Q. Was he authorized to sign your name as a clerk?—A. No, sir; no one has that right.

Q. Is it a fact that he did ever sign your name?—A. Yes, sir.

Q. Did you ever recognize the receipt presented here by Mr. Kruse in the matter of a claim made by Mr. Hawkins?—A. I knew nothing of that paper at all till Mr. Kruse showed it to me one day.

Q. Did you ever authorize John Smith to sign that paper?—A. Never.

Q. Did you ever receive that money?—A. Never.

Q. Who was the register of the land-office in 1874?—A. Mr. Holbrook.

Q. Was John Smith employed by Holbrook?—A. I found him in the office sweeping the office in the morning, and doing some copying there, and I let him remain; but neither he nor any one else was ever authorized to receive money for me.

By Mr. KRUSE:

Q. Do you recollect that I had a conversation with you several times in this matter, and that you told me that Mr. Smith was a clerk employed in the office, and that you paid him \$5 and Holbrook \$5 a month?—A. Yes, sir; I remember that he was employed there, but he had no right to sign my name.

Q. On the day that this man Smith received the money from Hawkins for the notice of cancellation of the entry of Lee, and for the land, did Mr. Hawkins pay you the money?—A. No, sir; he paid Mr. Smith.

Q. You got the money from Smith to send on to Washington to make your return?—A. No, sir; I did not.

Q. The receiver receives all the money that goes into the land-office?—A. Yes, sir.

NEW ORLEANS, LA., *June 17, 1876.*

JAMES SMITH sworn and examined.

By Mr. REILLY:

Question. You live in this city?—Answer. Yes, sir.

Q. What is your occupation?—A. Night-watchman at the United States mint.

Q. Were you employed in the custom-house?—A. Yes, sir.

Q. Construction department?—A. No, sir.

Q. In what capacity were you employed in the custom-house?—A. I was laborer in the custom-house in 1866, and I staid until February, 1874. In 1872 I was employed as janitor.

Q. You were a laborer up to 1872, and after that you were a janitor?—A. Yes, sir.

Q. Do you know anything about the pay received for the use of tarpaulins on the roof of the custom-house?—A. No, sir.

Q. Did not you draw a voucher for the pay of those tarpaulins?—A. No, sir; I never had anything to do with them.

Q. You never drew the money at the subtreasury of the mint?—A. No, sir.

Q. Were you ever sent to the subtreasury to get the money on a check of \$3,000?—A. No, sir.

Q. Did not you ever tell any person that you had drawn this draft of \$3,000 for Mr. Sypher?—A. No, sir.

Q. Did you ever tell that to Mr. Bartello?—A. No, sir; I never broached a word to Mr. Bartello. I never mentioned a word about anything to him.

Q. Did you ever see tarpaulins at the custom-house?—A. I saw them used in the custom-house spread on the roof; and that is all I know about it.

Q. But you do not know whom they belonged to?—A. No, sir.

Q. Have you talked with anybody about your being a witness before this committee?—A. No, sir.

NEW ORLEANS, LA., *June 17, 1876.*

JOHN BARTELLO sworn and examined.

By Mr. REILLY:

Question. Were you employed in the custom-house?—Answer. Yes, sir.

Q. In what capacity?—A. As a foreman. I acted five days as a laborer in 1870, and afterward I was appointed foreman until 1873.

Q. Do you know of any frauds or irregularities in the payment of the men or in the making up of vouchers about the construction department?—A. Several things appear to me to be wrong.

Q. What things came to your knowledge that you know to be wrong?—A. Certain things that men were complaining of about 1870. They did not amount to a great deal, however. They would sell material there.

Q. What was there wrong about the sale of the material?—A. The material was sold and I do not believe they returned the proceeds of the sale to the Government. I bought material, too, myself, and I was instructed to sell the material and return the money.

Q. What was there wrong about that transaction?—A. I cannot tell you whether it was wrong or not. All I say is that they would sell material. Whether they returned the money to the Treasury or not I do not know.

Q. You got the money for the material you sold?—A. Yes, sir.

Q. To whom did you return it?—A. Mr. Morse and Mr. House. It was \$110.

Q. Have you any knowledge of any wrong that the Government officers have done here?—A. When they signed the pay-rolls, the men complained a great deal about signing them blank.

Q. How was it about your pay-roll?—A. My pay-roll was signed in blank in 1872.

Q. Was it filled out for more than you received afterward?—A. I did not see the pay-rolls afterward.

Q. Then you have no knowledge of any irregularities or wrong-doing there on the part of any of the officers?—A. No, sir. Only I know my business was to make a statement in writing. There were two time-books. One month there was one time-book, and the next month there was another, and the month after that we used the first time-book again.

Q. Were you employed by the Government or by Mr. Kurscheidt?—A. By the Government.

Q. How much were the men paid there?—A. \$2.50 a day.

NEW ORLEANS, June 17, 1876.

WILLIAM M. AIKMAN recalled and further examined.

By Mr. REILLY :

Question. State whether the paper you have shown us is a copy of a disbursement-account of the construction department at New Orleans.—Answer. Yes, sir.

Q. That is a correct statement, unless there are clerical errors in the accounts?—A. Yes, sir.

Q. Was it prepared under your supervision?—A. Yes, sir.

Q. Is it taken from the account-current book that is kept?—A. Yes, sir.

Q. What does it show?—A. It shows the amount received from the United States Treasury.

Q. Pursuant to the appropriations made by law?—A. Yes, sir; remittances received from the Department.

Q. Do your credits show also?—A. Yes, sir; monthly disbursements.

Q. Beginning with the year 1870?—A. Yes, sir, and coming down to the present day; the last voucher that was paid.

The statement is as follows :

Statement of amounts received and disbursements made on contracts, materials, and labor for construction of custom-house at New Orleans, 1870, 1871, 1872, 1873, 1874, 1875, and 1876.

Month.	Year.	Receipts.		Disbursements.	
July	1870	\$7,000 00	.....	.....	.....
August		4,000 00	.....	\$10,496 92	.....
September				169 00	.....
October				169 00	.....
November		2,800 00	.....	3,371 43	.....
December			13,800 00	.....	\$14,206 35
January	1871	3,400 00	.....	2,022 50	.....
February		3,048 00	.....	2,226 14	.....
March		15,600 00	.....	15,217 83	.....
April				1,001 50	.....
May		25,000 00	.....	21,984 85	.....
June		24,000 00	.....	19,733 37	.....
July		11,000 00	.....	15,942 58	.....
August		13,000 00	.....	.....	.....
September				18,555 65	.....
October		21,549 38	.....	339 22	.....
November		12,134 00	.....	16,687 50	.....
December		10,000 00	.....	16,180 86	.....
.....			138,731 38	.....	129,892 00
January	1872	5,000 00	.....	.....	.....
February		16,500 00	.....	18,367 33	.....
March				11,012 73	.....
April		24,195 22	.....	21,719 69	.....
May				2,061 88	.....
June		35,000 00	.....	21,621 28	.....
July		11,000 00	.....	5,993 65	.....
August		20,800 00	.....	37,757 16	.....
September		25,000 00	.....	.....	.....
October		41,500 00	.....	52,831 11	.....
November		80,000 00	.....	45,057 27	.....
December		36,289 50	.....	48,791 78	.....
.....			295,284 72	.....	265,213 88
January	1873 .....	.....	.....	11,550 56	.....
February				12,939 80	.....
March		75,000 00	.....	43,344 99	.....
April		30,000 00	.....	59,626 21	.....
May		30,000 00	.....	.....	.....
June		4,896 00	.....	32,817 53	.....
July				11,953 88	.....
August				756 20	.....
September				8,844 38	.....
October				3,981 86	.....
November		21,596 38	.....	5,960 54	.....
December				7,718 65	.....
.....			161,492 38	.....	199,494 60
January	1874 .....	.....	.....	.....	.....
February				883 02	.....
March					
April					
May					
June					
July					
August		8,000 00	.....	13,440 64	.....
September		45,000 00	.....	19,063 41	.....

Statement of amounts received and disbursements made on contracts, &c.—Continued.

Month.	Year.	Receipts.		Disbursements.	
October				\$6,476 70	
November				8,909 35	
December				3,666 20	
			\$53,000 00		\$52,439 34
January	1875	\$6,000 00		5,530 77	
February		17,000 00		8,821 96	
March		4,000 00		11,549 82	
April				1,054 32	
May		20,000 00		15,563 47	
June		10,000 00		13,210 93	
July		7,000 00		3,853 55	
August				5,321 25	
September		6,000 00		6,035 02	
October		5,000 00		5,031 24	
November		6,000 00		3,925 36	
December		6,000 00		5,526 53	
			87,000 00		85,424 22
January	1876	3,500 00		5,054 81	
February		10,000 00		7,215 30	
March		10,000 00		11,713 83	
April		22,000 00		15,446 16	
May		3,000 00		7,133 28	
June				4,477 36	
			48,500 00		51,040 74
			797,808 48		797,711 13
Total receipts to date				\$797,808 48	
Total disbursements to date				797,711 13	
Balance on hand					97 35

CUSTOM-HOUSE, NEW ORLEANS, LA., June 14, 1876.

Q. State to the committee first what documents or vouchers there are on file in this department to show the disbursements of these various monthly sums by Colonel Casey at this port?—A. The vouchers are on file at the office generally. They are almost all of them there except what were brought over here.

Q. Have you, for instance, got here the vouchers which show the purpose for which the sum of \$37,757.16 was expended in 1872?—A. There are vouchers for \$37,757.16.

By Mr. CONGER:

Q. Are those original vouchers or copies?—A. Copies; the originals go to Washington.

Q. These are duplicates in your office?—A. Yes, sir.

Q. I see that in this package which you show going to make up the \$37,757.16 for the month of August there are vouchers for the month of July.—A. Those were not paid until August because there was no money.

Q. Then you put the July vouchers and the August vouchers together?—A. Yes, because we paid them during that month. We put the vouchers in the package for the month the payment is made, and not in the time it accrues. Sometimes the voucher is paid three months after its date.

Q. Do these vouchers show all the money that was expended for laborers?—A. They show all that was expended for laborers in construction. That shows exactly the amount that was expended during the month, and there are receipts for the whole thing. We foot them up and see that they correspond with the whole amount.

Q. Have there been at times temporary laborers employed in the construction department?—A. I do not know whether there have been or not. I presume there is no such thing as temporary laborers; the laborers are all down there.

Q. Are you familiar with the vouchers that are used in the custom-house for the pay of temporary laborers?—A. Not generally, as I seldom pay any temporary laborers.

Q. Vouchers that you take for the disbursement of public moneys are taken in duplicate as a general thing?—A. Sometimes they are and sometimes they are not.

Q. Does not the collector at this port retain a voucher here to show for every dollar of the public money that he has disbursed?—A. He may retain them; but in our office we have only the account current to account for. He may retain them or not. If he retains them, it is only for his own security.

By the CHAIRMAN:

Q. How do you audit the different kinds of claims?—A. Generally when they come there I check off the vouchers furnished me with the abstract.

Q. Who hands you the vouchers?—A. Sometimes one person and sometimes another. The regular employés come themselves.

Q. You never audit anything but a voucher?—A. That is all. I never audit anything but a voucher.

Q. Do you receive vouchers from other parties than the parties themselves whose names are on the vouchers?—A. Sometimes several parties will send a voucher from the different offices by a messenger up to me. For instance, the messenger of the appraiser's office will come to me and bring up all their vouchers.

Q. You make out checks then covering all the vouchers?—A. Yes; checks for the regular employés.

Q. Do you keep a check-book?—A. Yes, sir.

Q. Have you got your check-book for January, 1872?—A. I suppose it is among the other books.

Q. At that time you were the auditor?—A. No, sir.

Q. Who was the auditor?—A. I think Mr. Merritt was auditor in 1872. I was not auditor until June, 1874.

Q. Have you ever made out a check to anybody without a voucher to correspond to it?—A. I think not. I do not remember that I ever did. In paying, sometimes we would make out a check that would correspond with and include several vouchers in one.

Q. Did you ever make out checks for large amounts and hand the money to the collector or deputy collector for the payment of the vouchers?—A. No, sir; the check is made out, and is generally given to the custom-house superintendent, who takes the money and deposits it with the cashier to pay the regular employés.

Q. Do you make out the check in the name of each employé, or do you make it out in the name of some other party?—A. The checks are all made out in the name of the regular employé—that is, the regular sworn-in officers, and no one else.

Q. I wish you would furnish me with a list of the parties in whose favor checks were made out dated January 31, 1872, if it is on record in the office.—A. You had better send to the collector; whatever he directs me to furnish to you, I will furnish.

By Mr. REILLY:

Q. Are you familiar with that form of voucher? [Presenting a voucher.] A. Yes, sir.

Q. Can you state whether that is the original shape in which it is signed by the parties?—A. Yes, sir.

Q. Is it just as the paper is now, or is there another part to it?—A. Just as it is now. I do not know that there is anything else to be added to it.

Q. Is that form of voucher taken in duplicate, or is not that which I now show you simply half of the voucher?—A. Perhaps it is; I do not remember whether there is another half or not; there may have been.

Q. Do not you notice that it is now torn?—A. It may have been printed the way it is now, or it may have been printed in duplicate.

Q. Can you say from your experience that those vouchers are all printed in duplicate?—A. Generally speaking, they are.

Q. And parties sign both parts?—A. The regular employés do—the sworn-in officers that have to furnish an oath. The vouchers are then separated, and one portion of the voucher is retained here, while the other portion is sent to the Department at Washington.

Q. Do you know of any cases where duplicates of such vouchers are not retained?—A. I do not now remember whether there has been any case of that kind or not. There may have been cases of that kind.

Q. But none within your knowledge?—A. I do not remember now whether there has been or not; I could not tell without examining the records to see; I cannot remember what has been kept.

Q. Do you know of any such form of voucher as this I have shown you, being used for the pay of laborers in the construction department?—A. No, sir.

By the CHAIRMAN:

Q. Can you give me such information as I ask for in regard to the parties in whose favor checks were made out, dated January 31, 1872?—A. I suppose I could, if I had proper authority.

By Mr. REILLY:

Q. State if you have, at any time, advanced sums of money to the collector of this port?—A. No, sir; I never advanced him any; I never had any to advance.

By the CHAIRMAN:

Q. Have you drawn a check in his favor?—A. No, sir.

Q. Or in favor of any deputy collector?—A. No, sir.

By Mr. WHITAKER:

Q. You have drawn checks for their pay, have you not?—A. I draw no checks; he signs his own checks.

Q. I mean the deputy collector?—A. He signs his own checks; I never signed a check for him in my life.

By the CHAIRMAN:

Q. I did not ask you if you had signed them; have you drawn them?—A. No, sir.

Q. You never drew a check for \$8,000 or \$9,000, for instance, to be paid to the collector or to the deputy collector?—A. No, sir.

Q. And against which there would be no voucher standing at the time, but for which vouchers were afterward to be furnished?—A. No, sir.

NEW ORLEANS, *June, 17, 1876.*

WALTER M. SMALLWOOD sworn and examined.

By the CHAIRMAN:

Question. What is your residence?—Answer. New Orleans.

Q. Do you appear before this committee voluntarily and on your own volition?—A. I do.

Q. Make any statement now that you desire.—A. When this congressional committee was in session in Washington, Mr. McGrew, of the Treasury Department, made a statement to the effect that "Smallwood, who went out in 1869, was also a defaulter." I have sought this opportunity to explain how the deficit occurred and by whom it was produced, and how and by whom it was subsequently settled. I was appointed an agent of the Post-Office Department in, I think, July or August, 1868. Subsequent to my appointment, or about that time, a gentleman was brought to my acquaintance named B. H. Peterson. After my appointment, and after I had reached New Orleans, he produced to me very strong recommendations which I could not very well resist, for an appointment in the office, and I gave him that appointment. My bond was fixed up and on it I think were Colonel Mann, Captain James McCloskey, and Mr. Walker, of Saint Bernard. Subsequently Dr. Peterson came to me and urged me to obtain a commission to sell revenue-stamps, which I declined to do upon the ground that I did not wish to make up the bond that would be required. Thereupon he offered to find the securities necessary. Subsequently Dr. Peterson became my cashier; as I had implicit confidence in him, and as the sale of revenue-stamps was a small matter not connected with the post-office proper, and he being one of the securities on that bond, I turned that whole matter over to him, believing that he would administer it fairly, as it was his interest to do so. All the troubles that grew out of my account, whether with the Treasury Department proper or with the Post-Office Department, originated in that manner. Matters went along, and I supposed that they were all very straight, so far as the sale of these revenue-stamps was concerned, until a week or so before I went out of office, when a little circumstance awakened my suspicion and I immediately sent for an agent of the Post-Office Department, informed him what I had found, and asked him to assist me in ferreting out the trouble. We soon discovered that very considerable defalcations had been made in the sale of revenue-stamps. Just prior to that, however, my cashier, Dr. Peterson, came to me and proposed that he should prepare a statement of the condition of my entire accounts, as I was very busy in regard to many matters. He did so, and brought me a settlement in the rough, whereby it was made to appear that I had over-deposited on my post-office accounts and under-deposited on my revenue accounts. The statement was in the rough, and upon a casual examination of it, and having such implicit confidence in him, (as at that time I had not seen anything wrong with him,) and believing the statement to be true, I made a deposit of between \$7,000 or \$8,000 to the revenue account, which, as it subsequently turned out, should have been made to the post-office account. In that way my post-office accounts became involved, otherwise they were straight. In endeavoring to settle this matter my securities on my post-office bond insisted that as I had no means of indemnifying them it was necessary to do all that was possible to get the money out of Dr. Peterson. In the mean time, discovering that the defalcations were known, Dr. Peterson, without saying a word, retired from the office and put himself in an attitude of defense. My bondsmen insisted that if I prosecuted him criminally at that time there would never be any chance of getting anything out of him. I therefore, in order to save them, and having no means to indemnify them, had to consent to any efforts that could be made to get money out of him. An arrangement was made in which he promised that he would settle up the entire deficiency within a reasonable time, if he was allowed the opportunity. He made some payments which ran along until 1870, when, becoming satisfied that he was delaying in the matter, I insisted that the whole matter should be laid before the Department while Dr. Peterson was in Washington, and he be called to account. I did so with the consent of my sureties, and I addressed a letter to Mr. McGrew, who gave the testimony I alluded to. This is the original rough sketch of the letter which I subsequently copied and put in proper form with a proper address; this has been deposited in the banking-house ever since.

"NEW ORLEANS, May 29, 1870.

"Mr. McGREW, &c.:

"You will remember that Dr. B. H. Peterson was in Washington when I was there. When the doctor returned to New Orleans he told Major Walker and Captain McCloskey, the sureties of my post-office bond, and also myself, that he had made an arrangement with you whereby the balance due on my post-office account was to be charged against himself and taken out of amounts due and to become due him from the Government on his mail-contracts. In stating this matter he said that you expressed yourself entirely satisfied with that arrangement, and that you said you would, under the circumstances, rather take him for the amount than rely on my bondsmen, as in the one case you would have the money in your own hands. As we have only the doctor's word for all this, my securities are anxious to know from you the exact truth in the matter, and I write this letter at their request. Dr. Peterson is a debtor to the Government by his own wrongful action to the amount due on my account; that he does not deny and he has given, or has caused to be given, a mortgage of indemnity to my securities for the payment of the same. At the time the mortgage was given it was supposed the balance to be paid would not exceed \$6,000, and consequently the mortgage was taken for that amount. Nevertheless, the doctor admits his individual liability for the whole amount due. When I went to Washington it was with the express understanding that he would at once pay the whole amount or make such an assumption of it as would satisfy you and relieve my bondsmen. If Dr. Peterson has told us a wrong story we wish to know it, in order that my securities may take steps to recover on the mortgage.

"An early answer will oblige,

"Your friend,

"W. W. SMALLWOOD."

To that letter I received the following reply—an official letter from the Department, signed by J. J. Martin, Auditor:

"OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, July 8, 1870.

"SIR: In reply to your letter of the 29th of May, you are informed that B. H. Peterson has filed in this office his written consent to the transfer of \$1,814.20 per quarter for the four quarters from July 1, 1870, from the mail-pay to become due him upon route No. 8013, to your credit as late postmaster at New Orleans. The draft in the hands of Postmaster Lowell will now be recalled, and as the mail-pay of Mr. Peterson becomes due at each quarter, the proper credits will be entered on your general account. This does not refer to your money-order account, upon which there is a small amount still due the United States.

"Respectfully,

"J. J. MARTIN, Auditor.

"W. M. SMALLWOOD,

"Late Postmaster at New Orleans"

The balance due on the money-order account was about \$300, and it was subsequently paid. In that way, my post-office accounts were settled. But there was a deficiency in the revenue-account still remaining. That hung fire for a long time, but by constant efforts with Dr. Peterson, I finally obtained a settlement of it, made in the same way, he arranging with the Department to pay the indebtedness out of his mail-contracts. I have some of the evidences of this, and some of them I have not been able to put my hands on. The arrangement was that he should pay so much a quarter out of his mail-contracts until the balance due on the revenue was entirely paid. I have here a statement of the account sent to me from the Treasury Department, showing a payment made by Dr. Peterson out of his mail-contracts for the fourth quarter of 1873 of \$768.25; for the second quarter of 1874, I have another receipt for \$768.25; and I have another one in which the Treasury sends me a statement, showing a payment made in the same way by Dr. Peterson for the first quarter of 1875 of \$768.25. Then, I have another one, sent to me last year, showing a small payment for the third quarter of 1875 of \$695.25. When this statement came, finding the balance still hanging over, I saw Dr. Peterson personally and demanded to know why the matter was hanging fire so long. Thereupon, Dr. Peterson made the following indorsement, and he said if I would send to the Department they would immediately inform me of the final and complete settlement of the account. The indorsement is as follows:

"NEW ORLEANS, LA., December 4, 1875.

"This account was settled by compromise and the last payment was made by the Auditor of Post-Office Department for the quarter ending June 30, 1875. C. E. Hovey, No. 13 May Building, corner of Seventh and E streets, Washington, D. C., was the attorney, and has all the papers in the case.

"B. H. PETERSON."

I believe that that about as fully states the matter as I can do it, unless I should go into the details showing how he managed to get the advantage of me. The facts would abundantly establish my side of the case. I have here his own statement and his own assumption of the liabilities, and I do not deem it necessary to go into any further explanation. I may, however, add that on the instant that I found something was wrong I immediately informed the agent of the Post-Office Department as well as my securities, and that together we went to work and discovered how Dr. Peterson had managed to get the advantage of me. The notification to the Department proper—to Mr. McGrew, whom I knew personally—was delayed for the reason stated before; that if an attempt was made to procure a criminal prosecution, there would be no alternative but for my securities to foot the bill. I had no means of indemnifying my securities against loss, and unless it could be made out of Peterson they would have it to pay; for that reason, the formal notification to the Department was delayed until 1870. Then that notification was made, and he was called to an account at Washington and made the settlement there, as stated in Auditor Martin's letter.

Q. Is there any further statement you desire to make with reference to the settlement of this account?—A. I do not know what more I can say, except that the settlements were made upon Dr. Peterson's own assumption out of his mail-contracts, he having become a mail-contractor, and still, I believe, being one.

Q. Are you aware of there having been anything irregular on the part of any Federal officer in the settlement of it?—A. I am not, sir; the account with the Treasury was settled, as stated by Dr. Peterson, (and that is the only evidence I have of it,) finally by compromise. How much he got off for, I do not know. He had assumed the whole thing.

Q. Do you know how much he assumed to pay?—A. The balance was \$11,159.40 on the revenue-account, before he compromised with the Department.

Q. Do you know anything about the character or particulars of that compromise?—A. I do not.

Q. Was Dr. Peterson in the employ of the office while you were the postmaster here?—A. Yes; he was a regular appointee, a subordinate of mine.

Q. Was he appointed on your recommendation?—A. Yes, sir; as I appointed all the subordinates in the office. He subsequently became the cashier.

Q. Of course, you made the appointment in the interest of the public service?—A. Yes, sir.

Q. You considered him a gentleman worthy of his position?—A. Yes, sir; he brought to me a very strong letter from several gentlemen whom I know.

Q. Why did you appoint him?—A. Because he was strongly recommended.

NEW ORLEANS, June 17, 1876.

THOMAS J. KINSELLA recalled.

By Mr. CONGER:

Question. You have been recalled in regard to certain statements about cigars that Mr. Leveque has testified to; do you wish to make any statement in regard to them?—Answer. My only reason for coming before the committee is that I saw in the papers this morning a statement in regard to that transaction. Mr. Leveque is reported in the papers as having stated that I declined to make any investigation. Whether that report is correct or not, I cannot say. I desire to say to the committee that I made the fullest possible investigation into this matter. Mr. Leveque shipped some cigars in bond over to Brownsville or Matamoras, I forget which, either in 1869 or 1870; they were shipped from the importer's warehouse, where they were stored in bond. When the cigars reached their destination, it was found that several of them were missing. The question came up here, whether the abstraction took place in the importer's warehouse or in the custom-house. I made every possible inquiry into the matter without succeeding in finding out where the abstraction took place. Right then, in order to prevent any such occurrence in future, I made a report to the Secretary of the Treasury, recommending that in all future cases where cigars were sent from the cigar-room to a bonded warehouse, the cigar-inspector be instructed to cord and seal them, and to use a seal with an impression peculiar to his own office, so that when those cigars should afterward come back to the cigar-inspector's office to receive the internal-revenue stamps, if the cords and seals which were put on remained intact, after remaining in the warehouse, and if then nothing was found missing, the presumption would be that the original pilfering occurred in the cigar-inspector's room. If, on the other hand, the cigars came back into the inspector's room with cords and seals broken, the presumption would be that the pilfering took place in the warehouse. The Department approved of my recommendation. Since that the cigar-inspector cords and seals cigars, when he sends them from his room to warehouse; and I have never heard of complaint from that day to this of any cigars being missing. That case of Mr. Leveque's was investigated as fully as I could possibly investigate it. The question was where they were stolen, in the importer's warehouse, or in the cigar-room. The evidence on each side went to show that they were not stolen in either place,

and I was unable to find where they did get missing, although I investigated it as far as I could.

Q. Are these the boxes where a piece of lead was put in the vacant space to make the weight right?—A. Yes, sir.

By Mr. WOODBURN:

Q. Do you not recollect that the collector at the port of Brownsville reported that the cases in which these cigars were had the cords and seals broken?—A. That I cannot recollect now, it is so long ago; it is five or six years ago.

Q. You do not know whether that is the fact or not?—A. I cannot state that.

Q. This witness said that Mr. Kinsella did not investigate the matter.—A. I investigated it as fully as I could, and the recommendation which I made as to the changing of the system was adopted.

Q. Then, the same witness complains that he brought an American steamer here from Havana with only her fuel, and they made her pay duty on the coal: I ask you if the law does not require the payment of any excess of fuel which the steamer enters?—A. Anything that is landed has got to pay duty.

Q. Suppose a vessel comes into port with more fuel than she needs for her own use, is not duty chargeable on that?—A. Duty is chargeable on everything landed.

Q. Whether it was put on board for fuel for the steamer or not?—A. Whether it was put on for stores or anything else.

By Mr. NEW:

Q. It must pay duty, provided it is landed?—A. Provided it is landed. Under the law, steamers have a right to retain on board sufficient coal to prosecute their outward voyage, but if landed it must pay duty.

By Mr. WHITAKER:

Q. Did you state to Mr. Leveque that you thought those cigars had been taken out in transit from New Orleans to Brownsville?—A. That I cannot recollect now, it is so long ago; I may have. I will state that cigars going from here to Brownsville are first hauled by a dray from the warehouse to the ferry; they are then carried on the ferry to Algiers; and then they go by rail to Brashear; and then by steamer to Point Isabel; and then by rail to Brownsville; so that there are a great many opportunities between here and there of pilfering the goods. At the same time I do not mean to say whether they were pilfered here or en route.

By the CHAIRMAN:

Q. Was any deficiency found in the cigars until they arrived in Mexico?—A. I did not hear of any; I guess they were opened at Brownsville. I think at Brownsville the deficiency was ascertained. They have to be opened at Brownsville before they can go across to Matamoras. Of course the collector at Brownsville, when they are exported from there to Matamoras, has to stamp the word "exported" on the customs-stamps.

Q. In regard to the testimony of Mr. Charnbury about the bonded warehouses, and compelling goods to be taken there, have you any statement to make in reference to that?—A. Prior to 1874, at which date the law was changed, Mr. Charnbury on several occasions came to my office to see if I could intercede for him to get him general orders. I uniformly told Mr. Charnbury that, so long as the law gave the collectors the right to designate the general-order warehouse, I could not, as a Treasury agent, interfere. Unless he could show me that the general-order business was being improperly run, I could not interfere.

By Mr. CONGER:

Q. The importer has the right to designate the warehouse to which his goods shall go, on a general order?—A. No, sir; not exactly that. When the importer makes his warehouse-entry then he has a right to designate the warehouse to which the goods shall be sent; but when goods are sent on general order they are sent to the general-order warehouse before the entries are made, and then the collector designates the warehouse.

Q. Is that the law?—A. That was the law of 1799; it was changed in 1874.

Q. That has always been the law until 1874?—A. Yes, sir, until 1874.

Q. And how is it changed now?—A. It is changed now by making it compulsory; that regard shall be had to the near by location of the warehouse to the steamship.

Q. Is that law of 1874 now complied with here?—A. Soon after the passage of that act there were five general-order warehouses, which, I think, taking into account their location and proximity to the steamboat-landings, gave every accommodation to the public. Two of these, as I have stated before, were discontinued for lack of business.

By Mr. WHITAKER:

Q. How long is the levee opposite the city of New Orleans, where steamships can land?—A. From the barracks up to Carrollton, I suppose, it is nearly sixteen miles. A week ago I addressed a letter to the honorable chairman stating that I had hunted up the affidavits in this Perciles salt matter, and stating, also, that, if required, I would produce them on Mon-

day morning last. I received no notification to produce them, but I did receive a subpoena from the United States court in Mobile to attend there in a case; and I have been absent until an hour and a half ago. I made one very serious mistake which I desire to correct. I stated that the charges were made against the firm of Jackson & Manson. I should have stated Jackson & Anderson. I have the affidavit here of David Jackson in reply to a letter of mine, and also the affidavit of Samuel Rousseau, all of which I now submit:

EXHIBIT B.

CUSTOM-HOUSE, NEW ORLEANS,
February 1, 1871.

GENTLEMEN: As I am desirous of bringing to a close my investigation of the salt matters, I will thank you to furnish me with the following information. Your cash-book shows the following payments, to wit:

January 18, 1869.	Ship	\$101 40
January 20, 1869.	Ship Sedbury.....	94 00
January 29, 1869.	Ship Maude.....	111 50
February 3, 1869.	Ship Tiger.....	106 40
February 4, 1869.	Ship Record.....	92 80
February 19, 1869.	Ship Ann Eliza, (inspector).....	10 00
March 2, 1869.	Ship Ann Eliza.....	138 60
March 2, 1869.	Ship Ann Eliza.....	6 90
March 23, 1869.	Ships Lord Dalhousie, H. Crook, Victory, Zuleika.....	438 06
March 29, 1869.	Ship Porter, at C. H.....	5 00
March 30, 1869.	Ship Victoria.....	120 00
March 30, 1869.	Ship Ansen Valley.....	84 95
April 9, 1869.	Ship Northampton }	224 40
April 9, 1869.	Ship African }	
April 23, 1869.	Ship Igonia.....	114 45
April 24, 1869.	Clearance Clerk.....	15 00
September 30, 1869.	Deputy at C. H. for hat.....	10 00
October 1, 1869.	C. H. W. amount in full.....	100 00
November 11, 1869.	E. H. G. C. H. W.....	100 00
November 19, 1869.	3 hats for deputy C. H. W.....	15 00
November 26, 1869.	Clearance C. H.....	30 00
January 10, 1870.	Hat for W. at C. H.....	10 00
February 11, 1870.	C. H. reporters.....	25 00
February 11, 1870.	C. H. W.....	50 00
April 11, 1870.	C. H. W. Z.....	46 50
August 13, 1870.	C. H. W.....	30 00
September 8, 1870.	Inspector.....	5 00
September 26, 1870.	C. H. W.....	15 00
September 26, 1870.	Clearance C.....	10 00
September 26, 1870.	Storekeeper.....	10 00

The information which I desire is the names of the parties to whom said payments were made, for what purpose paid, and the character of the services for which payments were made. An early reply will oblige

Yours, very respectfully,

T. J. KINSELLA,
Special Treasury Agent.

Messrs. JACKSON & ANDERSON.
New Orleans.

EXHIBIT A.

OFFICE OF JACKSON & ANDERSON,
New Orleans, February 1, 1871.

DEAR SIR: Your esteemed favor of this date to hand. Contents of same carefully perused and noted.

In regard to the information you ask for regarding our entries in the cash-book now in your hands, as the writer (David Jackson) was the one who received the said money at various times, we beg leave to make the following statement, viz:

That we have never given any moneys or presents of any kind to any Government employé by which the revenue was defrauded of one cent nor have we ever asked any of them to do so.

We have always received from the custom-house officials kind and courteous treatment, and any information we have asked for has always been cheerfully given us, to all of which we would most respectfully refer you.

In regard to the name of the parties to whom said money was paid at various times when not mentioned in full in said cash-book, are for my personal expenses incurred in the prosecution of my business with our customers for various things and favors, and with or for no other object but to prosecute our legitimate business, as we have done for many years past.

Any further information you may desire, if in my power or recollection, shall be cheerfully given you at any time.

We remain,

Yours, very respectfully,

JACKSON & ANDERSON.

To T. J. KINSELLA, Esq.,
Special Treasury Agent.

Personally appeared before me, T. J. Kinsella, special agent, David Jackson, who, being duly sworn, deposes and says that the statements contained in the foregoing communication signed by Jackson & Anderson, are true and correct.

Sworn to and subscribed by David Jackson, before me, February 1, 1871.

T. J. KINSELLA,
Special Agent.

EXHIBIT C.

I, Samuel Rousseau, of the city of Carrollton, in the State of Louisiana, being duly sworn, do hereby depose on oath as follows :

That, in the spring of 1869, I was inspector of customs at the port of New Orleans ; that I was in charge of a vessel discharging a cargo of bulk-salt for Jackson & Anderson, in the spring of 1869 ; that, while the vessel was being discharged, Mr. David Jackson, of said firm of Jackson & Anderson, called me one side on the vessel and asked me to go to his office before making my returns of the cargo of said vessel. He stated to me that the duty on said salt was payable in gold, and he proposed that I should make short returns of the salt, and that he would divide with me the amount of duty saved by such short returns. I said to him, "All right ;" but I did not go near his office, nor did I make the short returns, as he requested.

S. ROUSSEAU.

Sworn to and subscribed before me, February 13, 1871.

T. J. KINSELLA,
Special Agent.

By the CHAIRMAN :

Q. Did you discharge any clerks pending this investigation, and in consequence of it ?—

A. I remember, as I have stated before, that one clerk was discharged, but not for defrauding the revenue.

Q. Was it for receiving presents ?—A. He received presents and he received money.

Q. Whom from ?—A. From Mr. Jackson.

By Mr. VANCE :

Q. David Jackson ?—A. David Jackson, but his action had nothing to do with the weighing of salt ; it had reference simply to furnishing information with regard to the owners of vessels ; it was against the regulations, and an improper thing for him to do.

Q. Have you Mr. Finegan's affidavit ?—A. I have. It is as follows :

EXHIBIT D.

I, Bernard Finegan, being duly sworn, do hereby depose on oath as follows : My occupation is that of warehouse-contractor. I have been receiving and delivering salt for Jackson & Anderson in New Orleans over two years at Fisk's salt warehouse, and Jackson & Manson's upper warehouse, (salt warehouse ;) that the street cars lead from Canal street to said warehouses ; that Mr. David Jackson has frequently visited said warehouses ; that I have never known him to go there in a cab or carriage or in any other conveyance except the street cars ; on steamboats that salt is always received and delivered at said warehouses in my presence except on few occasions ; that no person informed me or intimated to me that I was to be questioned on this subject until I was questioned by the Treasury agent ; and, until I saw him, I had no idea of what he wanted me for.

B. FINEGAN.

Sworn to and subscribed before me, January 23, 1871.

T. J. KINSELLA,
Special Agent.

I have, therefore, the affidavit of Mr. David Jackson denying all complicity in defrauding the revenue, and I have the affidavit of Mr. Rousseau, the inspector, stating that Mr. Jackson offered him this bribe. One contradicts the other, and finding those affidavits contra

dictory, and that there was nothing on which to base anything against David Jackson, I obtained from the custom-house a statement of sack-salt imported into the port during the year ending 1870. This statement shows the date of importation, the name of the importer, the name of the vessel, where the vessel is, the number of sacks of coarse salt, the number of sacks of fine salt, the discharging inspector, by whom weighed, the average weight of the sacks, and damage allowance, if anything. This statement shows for itself the average weight per sack of every importation. Now among them I find, I think, that the highest average on the list is Jackson & Anderson, which is 217 pounds average weight per sack.

Q. Was that a part of the papers used by you in the investigation of this case?—A. Yes, sir; it was for the purpose of informing myself whether or not Jackson & Anderson in the average weight per sack run below the other importers.

Q. The books from the custom-house would show that?—A. This is from the books of the custom house. It is as follows:

Statement of sacks salt imported into the port of New Orleans during the year ending December, 1870.

Date of im- portation.	Importer.	Vessel.	Where from.	Number sacks coarse salt.	No. sacks fine salt.	Discharging-inspector.	By whom weighed.	Av. weight by sacks.	Damage allow- ance, if any.
Jan.									
3	Hunt & Macaulay	Ship Glencora	Liverpool	6,991	.....	G. W. Whitney	E. Duplantier	208½	
3	Ashbridge, Smith & Co.	Ship Viola	do	6,400	2,299	D. F. Simpson	I. A. Daunoy	205½	
6	S. Jones & Co.	Ship Gertrude	do	5,500	.....	Theo. Jaques	E. Duplantier	213½	
11	A. Hunter	Ship C. Chaloner	do	4,429	1,107	Amos Morrison	I. A. Daunoy	207½	
13	Hunt & Macaulay	Ship Emma Secor	do	8,186	.....	Patrick Creagh	do	201½	
14	L. A. Bryson	Ship Trenton	do	5,584	1,216	Wm. S. Kennedy	E. Duplantier	210 1	
17	Munmy, Luling & Co.	Ship I. L. Southard	do	6,500	2,785	Geo. W. C. Waite	I. A. Daunoy	205½	
17	Hunt & Macaulay	Ship Crusader	do	6,950	.....	Thos. Marshall	F. W. Eichholz	204½	
18	do	Ship Kromar	do	7,417	.....	Isidore McCormac	E. Duplantier	212½	
19	Jackson & Anderson	Ship Industrie	do	5,102	2,000	Geo. H. Hartwell	do	202½	
20	Ashbridge, Smith & Co.	Ship Jno. Parker	do	6,022	1,117	Wm. Terrell	do	200 4-5	
25	Decan, Zerega & Co.	Ship Calliope	do	6,000	.....	D. F. Simpson	do	208 5-6	
25	Jackson & Anderson	Ship Hampton Court	do	6,147	2,000	I. G. Longstreet	P. I. McMahon	196	
26	Meeker, Knox & Co.	Ship Sarawack	do	4,992	.....	H. L. Irwin	E. Duplantier	209½	
27	G. L. Laughlan	Ship Mary Ann	do	2,877	661	C. A. Meyers	C. I. Daunoy	218½	
27	Wheeler, Sheperd & Co.	Ship Aaron Brown	do	3,000	.....	John Brown	P. I. McMahon	212½	
29	Engster & Sand	Ship Gutineau	do	5,000	1,650	Geo. H. Hartwell	do	203	110 sacks short.
1	C. Morrison	Ship Aracana	do	4,915	955	Wm. Terrell	do	207½	
3	L. I. Adams & Co.	Ship Cora Linn	do	330	200	I. McK. Richards	S. A. Turner	193	
3	Meeker, Knox & Co.	Ship Caledonia	do	7,000	.....	R. H. Weeks	E. Duplantier	216½	
4	A. Hunter	Bark Moreno	do	1,700	.....	C. A. Meyers	I. A. Delery	209 1-6	30 sacks short.
7	H. W. Kene	Ship Glenallock	do	7,504	.....	I. H. Bourne	L. A. Daunoy	218	
8	Ledyard Anderson	Ship Seaburg	do	4,805	1,472	G. A. Effray	P. Creagh	212½	
16	Ashbridge, Smith & Co.	Ship Annie Raeder	do	5,250	1,794	A. Jervis	F. W. Eichholz	202½	
26	Decan, Zerega & Co.	Ship Queen of Hearts	do	3,500	.....	Geo. H. Hartwell	P. Creagh	213½	
1	G. B. Shute	Bark W. G. Putnam	do	1,000	.....	Geo. H. Bowen	E. Duplantier	207	11 to ton.
1	Jackson & Anderson	Ship Pamona	do	5,250	4,676	G. A. Effray	P. Creagh	200½	
4	Hunter & Co.	Ship Alicia	do	4,795	2,819	Richard Covert	F. W. Eichholz	202½	
7	Ledyard, Anderson & Co.	Ship Saint Louis	do	5,405	.....	Jas. B. Watkins	do	210½	
8	Hunt & Macaulay	Ship H. Clinton	do	3,037	1,454	I. G. Longstreet	E. Duplantier	201	Do.
8	Jackson & Anderson	Bark Wm. Rathbone	do	.....	5,233	Geo. H. Hartwell	P. Creagh	204½	
10	Hunt & Macaulay	Ship Leamington	do	5,845	1,696	M. P. Blackstone	I. Boyne	218½	
16	Munmy, Luling & Co.	Ship Zetland	do	5,000	2,200	Wm. H. H. Bates	P. Creagh	204	
7	Decan, Zerega & Co.	Ship Gettysburg	do	2,908	.....	Geo. W. Anderson	Boyne & Eichholz	205	
9	Hunt & Macaulay	do	do	3,175	282	.....	do	201½	
13	do	Ship Waverly	do	2,972	3,410	C. L. Sweet	Boyne & Delery	192½	
16	do	Ship Duke of Wellington	do	4,249	4,795	Alfred Jarvis	I. Boyne	197½	
29	Decan, Zerega & Co.	Ship Wm. Cummings	do	1,050	384	Wm. H. Honneus	Delery & Kenner	206	
2	do	Schooner G. Lanata	do	2,208	.....	I. McCormack	Eichholz & Turner	208½	
4	Jackson & Anderson	Bark A. Kimball	do	.....	700	P. Creagh	S. A. Turner	217	
6	G. A. Fosdick & Co.	Ship Mary Russell	do	4,870	.....	Brevoort Butler	I. Boyne	213½	

Statement of sacks salt imported into the port of New Orleans during the year ending December, 1870—Continued.

Date of im- portation.	Importer.	Vessel.	Where from.	Number sacks coarse salt.	No. sacks fine salt.	Discharging-inspector.	By whom weighed.	Av. weight by sacks.	Damage allow- ance, if any.
July 15	Jackson & Anderson.....	Ship Antoinette.....	do.....	3,609	.....	Geo. P. Fernald.....	I. A. Delery.....	196 $\frac{3}{4}$	11 to ton.
Aug. 29	Decan, Zerega & Co.....	Bark M. Hammond.....	do.....	2,580	.....	S. Monde.....	P. I. McMahon.....	208 $\frac{1}{4}$	
Sept. 3	G. A. Fosdick & Co.....	Bark Bridgeport.....	do.....	2,050	.....	G. W. Bowen.....	E. Duplantier.....	204 $\frac{1}{4}$	
10	Jackson & Anderson.....	Ship Cherokee.....	do.....	1,070	690	R. H. Weeks and I. M. Bing	C. I. Daunoy.....	217	
16	I. A. Bryson.....	Ship M. Pollock.....	do.....	4,270	.....	C. A. Meyers.....	G. Boyne.....	215 1-6	
27	Williams, Ruperti & Co...	Ship Rosalie.....	do.....	4,800	2,760	A. M. Aucoin.....	F. W. Eichholz.....	199 6-7	
Oct. 7	A. Hunter.....	Ship Belgravia.....	do.....	.....	2,000	S. Monde.....	A. Kenner.....	191 $\frac{1}{4}$	
8	Jackson & Anderson.....	Ship Coronet.....	do.....	8,955	.....	S. M. Todd.....	C. I. Daunoy.....	200 $\frac{1}{4}$	10 $\frac{1}{2}$ to ton.
10	do.....	Ship Solomon.....	do.....	7,188	.....	H. C. Bartlett.....	E. Duplantier.....	198 $\frac{1}{4}$	Do.
11	A. W. Schulenburg.....	Ship Duke of Wellington	do.....	790	.....	Geo. H. Bowen.....	Todd & Duano.....	205 $\frac{3}{4}$	
12	do.....	Ship Monsoon.....	do.....	210	.....	H. Von Werthen.....	S. A. Turner.....	210 $\frac{1}{4}$	
13	Jackson & Anderson.....	Ship Importer.....	do.....	.....	3,259	R. H. Weeks.....	E. Duplantier.....	190 $\frac{1}{4}$	192.
31	do.....	Ship Glendower.....	do.....	6,372	.....	F. W. Liggins.....	do.....	199 $\frac{1}{4}$	50 per cent. dam- age.
Nov. 9	D. Lewis.....	do.....	do.....	50	80	do.....	A. Kenner.....	183 $\frac{1}{4}$	11 to ton.
Dec. 13	Jackson & Anderson.....	Bark Pericles.....	do.....	5,582	.....	Wm. S. Kennedy.....	P. I. McMahon.....	199 1-7	
19	do.....	Ship May Queen.....	do.....	4,000	1,260	C. S. Parish.....	C. I. Daunoy.....	213 $\frac{1}{4}$	
22	E. Hermann.....	Ship Meggie.....	do.....	5,406	2,276	H. G. Crickmore.....	A. Kenner.....	204 1-6	
24	do.....	Bark Agnes.....	do.....	5,510	1,651	H. C. Bartlett.....	do.....	208 $\frac{1}{4}$	
27	W. D. Henderson.....	Ship Guardian.....	do.....	7,470	2,349	Frank Ferris.....	do.....	212 $\frac{3}{4}$	Weighed Jan. 5, '71

By Mr. CONGER :

Q. State what the conclusion from that was.—A. The conclusion that I arrived at, as shown by the average figures here, was that there was no case against David Jackson.

By Mr. VANCE :

Q. Was Mr. Rousseau a man of character?—A. I never saw him until he was brought into my office.

Q. Did you understand that he was a man of no character?—A. No, sir ; I did not.

Q. Was there any evidence brought to show that his statement was an untruth?—A. No, sir, there was not ; and after receiving the conflicting statements of Mr. Rousseau and Mr. Jackson, I thought the better way was to ascertain from the records just what the figures showed.

Q. Did you examine the cash-books of Mr. Jackson?—A. I did.

Q. Did you observe the entries of "C. H. I," and "C. H. W.?"—A. Yes, sir.

By the CHAIRMAN :

Q. Did Mr. Rousseau give any testimony with reference to that?—A. Nothing except in his affidavit.

Q. Did Mr. Henderson?—A. He did in his affidavit. His was the first affidavit made, and I recollect it very distinctly, because Henderson was examined by Judge Durell on the matter before he issued the writ to take possession of Jackson and Anderson's papers.

[The affidavit is as follows :

"I. W. D. Henderson, of the city of New Orleans, do hereby certify on oath as follows: I have been cashier for the firm of Jackson & Anderson, doing business in said New Orleans, from January 1, 1868, until December 31, 1870 ; that my business was to receive, keep, and pay out the funds of said firm ; that I have at several times during my said employment as cashier handed to Mr. David Jackson, of said firm, sundry sums of money, which he gave me to understand were to be paid to the custom-house inspectors and weighers for the purpose of having them make false returns of salt imported by said Jackson & Anderson into the port of New Orleans ; that the cash-book of said firm covering the years 1869 and 1870 will show those payments marked by said Jackson in his own handwriting, as follows, to wit: Payments made to inspectors are marked 'C. H. I.,' which means 'custom-house inspector,' and 'C. H. W.,' which means 'custom-house weigher ;' that said payments were made in reference to importations of salt by the following-named vessels among others, to wit: Ship Importer, arrived October 10, 1870: ship Glendower, arrived in December, 1870 ; ship Solomon, October 10, 1870 ; ship Coronett, arrived October, 1870, all from Liverpool, England.

"W. D. HENDERSON.

"Sworn to and subscribed before me January 17, 1871.

"T. J. KINSELLA,
"Special Treasury Agent."]

By Mr. CONGER .

Q. The man who made that affidavit became afterward the partner of Jackson & Kilpatrick?—A. He became after that the partner of Jackson & Kilpatrick.

Q. It then became the firm of Jackson, Kilpatrick & Henderson?—A. Yes, sir.

By the CHAIRMAN :

Q. Is that firm still in existence?—A. I think it is.

By Mr. CONGER :

Q. Did he afterward leave that firm under any peculiar circumstances?—A. I do not know ; I do not know whether he is there yet or not. I never heard that he had left the firm. I wish to state with regard to an affidavit made by an officer to the effect that he has been offered a bribe, that I have tried that once before the grand jury, and they will not find any indictment against a party for offering a bribe to an officer unless there are at least two witnesses to prove it. Finding the case as it was after all the evidence had been taken, I saw that there was no tangible ground on which to proceed against Mr. Jackson.

By the CHAIRMAN :

Q. Did you authorize any person in your department to go to Havana with Mr. Wicker?—A. I did.

Q. For what purpose did you send him there, if it was a public purpose?—A. It was a public purpose ; but I should rather not tell, inasmuch as Colonel Wicker has paid me a very flattering compliment here on the stand. I would rather not be obliged to tell ; still, if the committee want an answer, I will give one.

By Mr. CONGER :

Q. Did you send this man for the protection of the public interest?—A. It was for the promotion and the protection of the public interest.

By Mr. VANCE :

Q. Was it for the purpose of preventing Mr. Wicker from putting up a job on the custom-house officials?—A. It was for the purpose of getting at the fraud, if there was one, and it was also for the purpose of seeing that Mr. Wicker did not, by bribery of the custom-house officials in Havana, secure any false certificate.

Q. In other words, it was for the purpose of preventing him from putting up a job on the custom-house officials?—A. It was for the purpose of preventing him from procuring any false testimony.

Q. Did you say to Mr. Hutchinson that it was to prevent him putting up a job on the custom-house officials?—A. No, sir; I did not say it in exactly those words.

Q. Was Mr. Wicker at that time, and is he now, an officer of the United States Government?—A. He was then the agent of the Treasury Department, and he is now the collector of the port at Key West.

By the CHAIRMAN :

Q. Had you had any official relations with Mr. Wicker before?—A. Not personally.

Q. But you had greater confidence in Mr. Hutchinson than you had in Mr. Wicker?—A. I had, certainly.

Q. Was there anything in Mr. Wicker's conduct while here that awakened suspicion in your mind, or tended to create a want of confidence on your part in his capacity and integrity as a public officer?—A. There was, sir.

By Mr. VANCE :

Q. Did you report those facts to the Treasury Department?—A. I made a report of that whole transaction.

Q. Did you report that he was not a faithful public officer?—A. No, sir.

Q. Is it not your duty, if a man as a public officer does any suspicious acts, to report the facts to Washington?—A. He was not under me in this case. I will now have to give this whole matter, so that it should not be misunderstood.

Question repeated.—A. I will have to modify my answer. If it was simply the man's manner that created suspicion, the suspicions might not be well grounded. It would depend upon circumstances altogether whether I would consider it my duty to report him or not. If I found any officer of the Government defrauding the revenue, then I certainly should report him. On a mere suspicion, however, I should not. It would depend altogether on the circumstances of the case.

Q. Do you wish the committee to understand that Mr. Wicker's conduct was of such a suspicious character that you saw proper to shadow him with an officer, and yet that you did not report the fact to Washington?—A. I reported the fact to Washington that I had sent an officer there. I considered that, from Mr. Wicker's reputation and character, it was necessary for me to send an officer to Havana with him.

Q. Is your report to that effect in Washington?—A. My report is in Washington, but it does not say anything about that. I reported that I sent an officer with Mr. Wicker simply.

Q. Did you say in your report that you sent an officer to shadow or watch Mr. Wicker?—A. I did not state in my report that it was to watch him.

NEW ORLEANS, *June 17, 1876.*

CHARLES K. BURDEAU sworn and examined.

By the CHAIRMAN :

Question. What is your residence?—Answer. New Orleans.

Q. What is your occupation?—A. Drayman.

Q. Do you know of any irregularities among the Federal officials in New Orleans?—A. I think I do.

Q. State any facts of that kind that you know of your own knowledge.—A. In the first place, it was always customary until the year 1874 for draymen to be bonded to do hauling for merchants. In 1874, Mr. Gubernator got the contract for the general hauling of the custom-house. They won't give any permit now for any one to do any hauling. In 1874, I had a suit with the city of New Orleans, and got judgment against the city in the matter of licenses. I have been now bonded to do the hauling of the Mississippi Valley Transportation Company, J. I. Stevenson, agent. Mr. Stevenson is the agent of parties in Saint Louis—a good many importers—and among them William Settle. Mr. Settle has now goods on the steamship Saint Louis, consigned to William Settle, and indorsed by Stevenson, agent of the Mississippi Transportation Company. They asked for a permit in the custom-house for their bonded draymen to haul these goods, but Mr. Copeland refuses to give it, saying the goods are not consigned to Stevenson. I have here the bill of lading on the steamship Saint Louis, indorsed by Mr. Stevenson. My impression is that the reason they

refused to grant this permit is that the bonded wagons hauling for the custom-house are owned by Herwig and his brother-in-law Langlies. Mr. Langlies is the proprietor of this excavating company. He told me that Casey and Herwig were his partners, and they controlled the stock in this sanitary company. The sanitary company's mules draw the wagons that haul the bonded goods. Whenever the sanitary wagons are not busy, they take the mules that work on their wagons to haul the goods with.

Q. Do you know the mules?—A. Yes, sir; I sold them some of the mules.

Q. Do you know these facts of your own knowledge?—A. I will bring a driver, who works first on sanitary company's wagons and then on the custom-house wagons. That man will swear that men that work in the custom-house come out and load their wagons for them.

Q. Have you seen that done?—A. No, sir.

Q. Have you seen these mules that belong to the excavating company pulling the goods in the bonded drays?—A. Yes, sir.

Q. Have you ever seen the mules that are at work on these bonded drays pulling things for the excavating company?—A. I have.

Q. You have seen the drivers of each working for the other?—A. Yes, sir.

Q. Do you know whether Mr. Casey is a stockholder in this company?—A. I only know what Mr. Langlies told me.

Q. What else do you know?—A. That is all I know. They have refused to grant the permit; that is enough.

Q. Is this the only instance of trouble that you have ever had with the custom-house?—A. This is the only one I can call to memory now, but I have been trying a year and a half to get my wagons bonded, and they refuse always, on the ground that the regulations require licenses.

Q. Did you get your license?—A. No, sir; I have not. I have got a letter from Mr. Bristow, though, saying that I can be bonded without a license.

By Mr. WHITAKER:

Q. That is, without a city license?—A. Yes, sir.

By Mr. CONGER:

Q. How many days are you bonded?—A. I am bonded; usually, when they furnish a city license, it expires when the city license expires.

Q. Are you not bonded now for only three days?—A. My impression is that I am bonded for a year.

Q. Do not you know that you are bonded for only three days?—A. My impression is that I am bonded for a year.

Q. Do not you know that you are bonded on special bond for just three days?—A. If they did that, they put that in unawares to me.

Q. Have not you had notice from any source that you are bonded for just three days, and for just this special purpose?—A. No, sir; I have been trying to get bonded all along.

Q. You know the mules in this company's drays?—A. Yes, sir.

Q. How many mules do you know?—A. I know two mules.

Q. What color are they?—A. They are bay mules; dark mules.

Q. What is the driver's name?—A. Bob Vaughn.

Q. Does he drive both?—A. Yes, sir; he drives them first on the sanitary wagons and then on the custom-house wagons.

Q. The same mules?—A. Yes, sir; they drive two wagons to a float.

Q. And you know that these mules are the ones that you are talking about?—A. I could not swear to that.

Q. You swear positively that these are the same mules?—A. I would not swear, for this reason, that I do not believe the man that owns a mule could swear to his own mule that way when it is passing along the street. The way I swear to it is that I see mules that look like the mules I saw there.

Q. You do not identify the mules, then, positively?—A. No, sir.

Q. When you did swear that they were the same mules, you swore without thinking how difficult it is to tell mules?—A. Maybe I did.

Q. You take that back, then?—A. Yes, sir.

By the CHAIRMAN:

Q. Don't you know your own mules as well as you know people that you are acquainted with?—A. Yes, sir; those that I have been working two years right straight along, I ought to know.

Q. Did you ever see those mules you sold to this sanitary company working in the bonded wagons?—A. No, sir; I did not see them.

NEW ORLEANS, *June 17, 1876.*

JOHN D. CRAWFORD sworn and examined.

By the CHAIRMAN:

Question. What do you know about this man Burdeau?—Answer. In regard to the application of Mr. Burdeau to haul merchandise consigned to the Mississippi Valley Transportation Company of Saint Louis, I will say that some ten days ago the gentleman made application to be bonded to haul goods for that company, and to do general hauling.

Q. Was that the only application he has made?—A. That is the only application.

Q. When was the first time he made application?—A. A year ago he made a verbal application. I refer, however, to a written application. The matter was referred to the Secretary of the Treasury, and Mr. Burdeau was informed by letter that, provided the power of attorney granted by the Mississippi Valley Transportation Company in favor of J. A. Stevenson, authorized him (Stevenson) to bind that company for signing dray-bonds, he would be permitted to do so. In reference to being permitted to do the general hauling business, his request was forwarded to the Treasury Department for the consideration of the Secretary, as the subject of general hauling is now pending in the Treasury Department. The letter also stated that if he would come to the office, the correspondence on that subject would be shown to him. Mr. Burdeau came there, and I left him reading the correspondence. In regard to this matter that happened to-day, here are five crates of earthen ware consigned to Mr. William Settle. On the back it is indorsed, "Delivered to Capt. John A. Stevenson, by order of William Settle." It is a settled statute of the law that no indorsements are to be recognized by custom-house officials upon bills of lading, except a man takes the owner's oath, and swears and proves that the goods were purchased for him, and obtained through his credit. Therefore, the indorsement of Mr. Settle in favor of John A. Stevenson is not binding on custom-house officials.

Q. If Mr. Stevenson were to take such an oath, that would be sufficient?—A. He must take what we call an owner's oath, and satisfy the collector as to his title to the goods.

Q. Has he been informed of that fact?—A. Often, sir. These gentlemen at the interior ports will keep on indorsing bills of lading. They will not go before a proper officer and have a power of attorney properly drawn out. They imagine that writing on the back of a bill of lading is sufficient. It is not. They must take the owner's oath, and they must be represented at the custom-house by a properly-authorized agent, whose power is to be lodged in the office.

Q. You say that Mr. Stevenson has not taken such an oath?—A. He could not. He must take the owner's oath, and that would be attached to the invoice or entry, and if Mr. Stevenson offered to come up and take the owner's oath, the other papers would stand as an offset, showing that he was not swearing truthfully. Therefore the action of the office in refusing to bond Mr. Burdeau and permit him to haul the goods imported for Mr. William Settle on the bond of the Mississippi Valley Transportation Company is correct.

By Mr. BURDEAU:

Q. Has it not been customary for the barge company to haul all goods consigned to them?—A. The bonds given by the Mississippi Valley Transportation Company cover any goods consigned by them. This case in point has reference to goods consigned by Mr. William Settle, and the papers in the custom-house would show that the goods are entered in Mr. Settle's name and not in the name of the Mississippi Valley Transportation Company. Had Mr. William Settle's goods been consigned to the Mississippi Valley Transportation Company on the bill of lading and the entry made in the custom-house, then you would have been permitted to haul, but in this instance they are sent to Mr. William Settle, and, unfortunately, the agent of Mr. William Settle holds the power of attorney of the Mississippi Valley Transportation Company, as well as that of Mr. William Settle; that is, where the two things come together. Mr. Stevenson holds powers of attorney from Mr. Settle and the Mississippi Valley Transportation Company, and he has bonded your floats to haul for the Mississippi Valley Transportation Company, but he has not bonded them to haul for Mr. William Settle.

Q. Is not my wagon permitted to haul for this man Settle when bonded by Mr. Stevenson, who is his agent?—A. Captain John A. Stevenson is known in this case only as attorney for the company, and you are not bonded to haul any goods for John A. Stevenson. You are bonded to haul goods for the Mississippi Valley Transportation Company, John A. Stevenson, agent.

NEW ORLEANS, *June 17, 1876.*

WILLIAM B. HALL recalled and further examined.

By the CHAIRMAN:

Question. You wish to make a correction of your previous testimony, do you not?—Answer. Yes, sir; I wish to correct a little thing that I stated in regard to the steamship *De Soto*, and the duties. I wish to say now that it was in the year 1869, between May and Novem-

ber, though I cannot state accurately the month. I find that it was in that year by looking over my memoranda, and I wish to cite an incident that happened concerning this affair of these cigars, that I mentioned before, landed in the De Soto. There were four different packages tied together, with a card on them addressed to certain people, as I stated before. I followed those cigars; they went to a certain place; I made this report to a clerk in the custom-house named Major Carroll; his first name I do not recollect. A few days after I made this report to Major Carroll he was discharged from the custom-house. He then told Mr. Casey in his room, in the presence of Mr. Herwig, that such was the case.

By Mr. CONGER :

Q. Did you hear him say so to Mr. Casey?—A. I did not; that is hearsay.

By the CHAIRMAN :

Q. You must state only what you know of your own knowledge.—A. Mr. Herwig was accused to me, I will add, of saying something disrespectful of me in the collector's office. I spoke to him coming out of the custom-house and asked him if this was fact; he wanted to know where I got my information; I told him from a gentleman. He contradicted the statement, and said if I did not mind my business he would have me turned out of my State office as harbor-master, which I held at that time.

Q. He was a Federal officer at that time, was he not?—A. He was deputy collector at that time. I then took him to the corner where Major Carroll was, and I asked Major Carroll if such questions passed between them. He said, "Yes." Mr. Herwig struck him; there was a fight commenced in the street; a second party stepped in to help Mr. Herwig, and I prevented him by taking him away.

Q. Tell us how that transaction begun.—A. The transaction was that he said something disrespectful of me, and threatened to turn me out of my office.

Q. You were turned out?—A. I was not turned out then, but I was afterward. He said I had run the blockade here in 1862.

Q. Have you got any further statement to make?—A. I have nothing further to state except about the cigars that I followed over to the warehouse, where I found part of the same cigars that I had found on the ship directed to General Mower, Mr. Casey, and Mr. Herwig; the date was 1869.

Q. What month in 1869 was it?—A. It was between May and November.

Q. Is there any other part of your testimony you desire to correct?—A. Not that I recollect of.

Q. Is there any further testimony you can give us?—A. Only from hearsay. I know a witness who can give testimony in regard to a cargo of salt.

By Mr. CONGER :

Q. Between May and November is a long time; give, as near as you can, the date of the arrival of those cigars at this port?—A. It was a few months after Casey was appointed collector at the port of New Orleans.

Q. You say you found some memoranda of different trips?—A. I found a memorandum connected with the year she touched at Havana—different trips.

Q. All you know about it is that you find that the boat did come in in 1869?—A. She made different trips in 1869, touching at Havana; I cannot tell which trip it was that she brought the cigars.

Q. Then the only way that you correct your testimony is by finding out what year the boat did come in?—A. I said before, in my first examination, that I testified to the best of my knowledge only; I did not swear to it as a fact.

Q. And now after finding out what year the boat did come you fix it at that time and so correct your previous testimony?—A. Yes, sir.

Q. Suppose the boat touching at Havana came in 1871, would you be sure that it was not that year?—A. I am sure it was not in 1871.

Q. Why?—A. Because I was not in office in 1871.

Q. How do you know it was in 1868?—A. Because I was not harbor-master in 1868, except part of it, and, besides, she did not run.

Q. How do you know she did not run?—A. Because I did not see her.

Q. Might not you have been mistaken about the boat as well as the time?—A. No, sir; there are only two boats, the Bienville and De Soto; that was the only parcel that came directed the same way.

Q. The only reason you know she came from Havana was that she had fruit on her?—A. I gave that as one reason.

Q. Would not she bring fruit from Mexico?—A. She did not ply from Mexico.

Q. Couldn't she have brought fruit from Mexico?—A. Yes, sir.

Q. Couldn't she have brought fruit from Key West?—A. Yes, sir; she could have done it.

Q. If she ran direct from New York as she did in 1870, couldn't she have brought fruit from Key West?—A. She might have done that, or from Nassau.

Q. She did touch at Key West, didn't she?—A. Not at this time.

Q. Didn't she touch there on the trip by way of Havana to New Orleans?—A. I do not recollect whether she ever did or not.

Q. You do not know that she did not?—A. I could not swear that she did not.

Q. Can you swear that these packages you refer to were not seized and sold by the Government as illegal packages?—A. I could not swear to that.

Q. Do you not know that they were?—A. My opinion is that they were not.

Q. Have you any information that they were not so sold?—A. I have no information that they were sold.

NEW ORLEANS, June 17, 1876.

ISAAC W. PATTEN sworn and examined.

By Mr. NEW :

Question. I will call your attention to the following matter : A witness last night, who is a jailer under you, named Fremaux, testified that he took the marshal a bill for keeping the United States prisoners, one for \$500, and that when it was presented to the marshal, they made a deduction of ten per cent., or wanted to make a deduction of that kind, and he returned and talked with you on the subject, and you ordered him to make it; do you know anything about that matter?—Answer. Yes, sir; it was twelve per cent. When he carried the bill to the marshal's office, he came back and reported to me that they said that they wanted twelve per cent. deducted, that it was customary, because they had to send the bill on to Washington before they could collect the money, and consequently there would be a good deal of delay and they deducted twelve per cent. for cash. I first told him I would not submit to it. I went to see Colonel Field, attorney-general, and I told him of this demand which had been made, and the old gentleman said it was an outrage, that they had no right to do anything of the kind, and if he was me, he would not pay it.

Q. Who was Mr. Field?—A. The attorney-general of the State. I waited for some time, but at last, being very hard up, and my expenses being heavy, I concluded to accept those terms. In order to get the money, I sent word around there that I would accept the proposition, and they deducted the twelve per cent.

Q. Have you got the bill?—A. The bill is on file in the city-hall.

Q. This witness stated that on one or two bills it was deducted, but the subsequent ones were made out for a proper amount; do you remember whether there was more than one that they made the deduction on?—A. Yes, sir, several; there was one bill that was small; I think it was only \$16 for the entire amount of the quarter, and they did not make any deduction in the amount of that bill. In the last bill that was paid, after I went out of the office, no deduction was made.

Q. Did you talk with the marshal yourself about these things?—A. No, sir.

Q. The information you had about it was what your jailer reported to you?—A. Yes, sir.

Q. And what you say about the reasons for the deduction was what he told you?—A. That is what he told me was the cause of this deduction; that the trouble of getting the bill settled and sent to Washington was so great that they deducted that for a cash payment.

Q. That is, if they took the trouble of settling the bill, they wanted this deduction?—A. Yes, sir.

Q. Do you understand that as Mr. Packard's position?—A. I do not know; I took that for granted. I understood it was a custom that prevailed in previous years.

Q. Are you sure it was twelve per cent.?—A. I am very sure of it.

Q. This other gentleman said it was ten per cent.—A. I think he is wrong.

Q. Would he not be more apt to remember what it was than you?—A. No, sir; I do not think he would be more apt to remember it, because he did not collect the money. He simply got a check on the Treasury.

Q. He was the one that conducted the negotiation?—A. Yes, sir; but I have a very good memory.

Q. Have you any means of strengthening your memory as to whether it was ten or twelve per cent.?—A. No, sir; the bills of the marshal I said were at the city-hall; that is a mistake; they are in the department here. I furnished duplicate bills, and one bill was sent to Washington, and the other was retained in the department here.

By Mr. NEW :

Q. One each of those bills has been sent to Washington?—A. They ought to have been sent there.

By Mr. CONGER :

Q. Would not one of those bills be filed with the clerk of the court as court expenses, and the other filed with the marshal to get paid on?—A. I think not. My impression is that all Government officers are required to send in vouchers of all payments of money for services rendered to Washington to settle up their accounts.

Q. They would have gone to the Department of Justice?—A. I imagine so.

By Mr. WOODBURN :

Q. Your testimony is that the owner of the claims, for the purpose of getting his money at an early day, accepted the discount?—A. He agreed to allow the discount, for the purpose of preventing delays. I would simply state that the bills were immediately given upon the United States subtreasury.

Q. What was the object of discounting them?—A. My recollection is that they stated that the twelve per cent. was the usual discount, on account of the delay in getting money.

By Mr. NEW :

Q. But you say the money was obtained immediately from the subtreasury upon drafts?—A. The money was obtained from the subtreasury here, and the check was endorsed "court funds."

By Mr. VANCE :

Q. Who signed the checks?—A. Mr. Packard, the marshal.

By Mr. REILLY :

Q. Did you state who was benefited by the deduction of twelve per cent.?—A. I do not know. I refused at first to submit to it.

By Mr. STEVENSON :

Q. It is your best recollection now that it was not ten per cent. discount, but twelve?—A. That is my recollection.

By the CHAIRMAN :

Q. Did you get the money of Mr. Fremaux?—A. I got the check and I got the money.

Q. The money was due to you and not to him?—A. Yes, sir; the deduction was made on the check.

By Mr. CONGER :

Q. What were the checks for?—A. Different amounts.

Q. How did any one amount compare with the bill?—A. It was twelve per cent. off; twelve per cent. less.

Q. Have you a copy of that bill, or is it not shown in your books?—A. No, sir; I suppose from the books of the prison, the bills might be made up again.

Q. What would this discount be charged to on the prison books?—A. It would not be charged there at all.

Q. If the amount of the original bill was there, how could it be settled without putting something else there?—A. The bill does not go to the prison at all.

Q. Do not the prison-books show some money as paid in this way?—A. It shows the names of the men, and for what they were confined, and by whose order.

Q. And how long they are confined also?—A. Yes, sir; for how long.

Q. And at what rate?—A. Sixty cents a day is the rate that is allowed by the State law.

Q. Does not the prison keep some of its own accounts in that way?—A. Not money accounts.

Q. Are those sheriff's fees?—A. Yes, sir, they belong to the sheriff.

Q. And you were the sheriff?—A. Yes, sir.

By Mr. NEW :

Q. If you chose to take less than the fees, it was your own loss?—A. Yes, sir. There are two sheriffs in this city; one is called the civil sheriff, and the other is called the criminal sheriff. All the funds that he handles at all belong to the criminal sheriff, who has no funds in any way connected with any one else.

By Mr. CONGER :

Q. Does the sheriff have the same duties in keeping a United States prisoner that he has in keeping State prisoners?—A. Yes, sir, precisely.

Q. But he does not take charge of them, and bring them there and take them to court?—A. No, sir; the United States marshal does that.

Q. All the care of them, except the mere confinement and feeding, the United States marshal has in common with you?—A. Yes, sir.

Q. The trouble is less to the sheriff with a United States prisoner than with a State prisoner?—A. Yes, sir; it is at the option of the United States marshal whether he puts them in the parish prison or not; the law is that if the United States prisoners are put in the parish jail, the sheriff shall charge no more for them than he charges for State prisoners.

Q. But he may charge less?—A. Yes, sir; he may, if he chooses to do so.

Q. And there are some duties less in regard to the United States prisoners than with State prisoners?—A. Yes, sir.

Q. Which duties the United States marshal performs?—A. Yes, sir.

By Mr. NEW :

Q. Was there any understanding that you have knowledge of that this 10 or 12 per cent. was to pay the marshal for his services?—A. No, sir; not at all.

Q. Was there any question or controversy about the amount you claimed being correct?—
A. None at all.

Q. The discount was made simply for cash at that time; at least it was so claimed?—A.
Yes, sir.

Q. You protested against it for some time, but finally, being hard up for money, you accepted the proposition?—A. I do not recollect that I protested to the marshal.

By Mr. REILLY:

Q. Is the sheriff the jailer in your parish?—A. The criminal sheriff has charge of the prison.

Q. He is responsible for the management of the prison?—A. Yes, sir.

Q. Was this witness Fremaux appointed by you?—A. He was what is called the keeper of the parish prison.

Q. One of your officers?—A. One of my deputies.

Q. When he took the bills to the marshal's office, would you know that he was doing it?—

A. Yes, sir; it was part of his duty as one of my subordinates; he would take the bills there, the same as to the city; when he went to the marshal's office after this, he would generally bring me back a check.

NEW ORLEANS, June 17, 1876.

ANTHONY O. BOYLE sworn and examined.

By the CHAIRMAN:

Question. What is your business?—Answer. I am advertising clerk for the New Orleans Republican.

Q. How long have you been in that capacity with the Republican office?—A. Going on for five years.

Q. State whether there are not advertisements published by United States officials in your paper frequently?—A. Yes, sir. I believe there are.

Q. Have you charge of the accounts for advertising and the collection of the accounts?—
A. No, sir; I simply charge them and make up the bills.

Q. State to this committee whether there is any arrangement between your paper and any United States official by which you paid a percentage to them for receiving advertisements?—

A. I do not think there is any arrangement of that nature.

Q. Do you pay any percentage to any United States official for getting advertisements?—
A. No, sir.

Q. And you never have during these four or five years that you have been advertising clerk?—A. Not to my recollection.

Q. Have you any knowledge upon the subject?—A. No, sir.

Q. Will your accounts show that no sums of money have been paid in that way?—A. I think so.

Q. What advertisements do you receive and from what officials?—A. We generally receive advertisements from the collector of customs, the United States Post-Office Department, the Quartermaster's Department, and the United States marshal's department.

By Mr. VANCE:

Q. It is your duty to make out the bills?—A. Yes, sir.

Q. Do you collect them?—A. No, sir.

Q. Do you have anything to do with their collection?—A. No, sir.

Q. Do you have anything to do with entering up the cash received for the bills?—A. No, sir.

Q. You know nothing, then, in regard to the cash that is received for advertisements?—A. I only make the charges and make out the bills.

Q. Are these advertisements paid for at the same rates you charge other patrons for advertising?—A. We charge a dollar a square for each insertion.

Q. Are those the same rates you charge other persons who advertise in your paper?—A. No, sir; we charge a dollar a square for each insertion.

Q. Is that more or less than you charge individuals?—A. That is generally more than we charge individuals.

Q. Why do you charge more?—A. I do not know; I believe the rate we charge is the rate allowed by law.

Q. What do you charge for private advertisements?—A. A dollar a square for the first insertion and fifty cents for each subsequent insertion; if the advertisement goes in at intervals it is a dollar a square for each time.

Q. And you say you do not know that there was a percentage paid for any such advertisement?—A. I cannot say that; I do not know of any such arrangement; I only make out the bills.

Q. When you make out a bill and it is returned to you to collect, don't you credit the payment of the amount?—A. No, sir; I am only the advertising clerk.

Q. Who takes charge of that?—A. Mr. Cooley.

By Mr. CONGER:

Q. The advertisements you speak of are the legal advertisements of the different offices?

—A. Yes, sir.

Q. Do you know what the law says in regard to the designation of the paper?—A. I do not.

Q. You charge the legal rates?—A. Yes, sir; a dollar a square.

Q. You charge the rates that you understand to be allowed by law?

By Mr. WOODBURN:

Q. Your paper is the official organ in which advertisements are published?—A. Yes, sir.

By Mr. REILLY:

Q. What do you mean by saying that your paper is the official organ?—A. I believe we have the authority of the Clerk of the House of Representatives to publish all official advertisements.

Q. Do you mean the Clerk of the House of Representatives of the United States?—A. Yes, sir.

WASHINGTON, D. C., July 8, 1876.

HORACE PORTER sworn and examined.

By the CHAIRMAN:

Question. What is your occupation?—Answer. Vice-president of the Pullman Palace-Car Company, of New York.

Q. Have you any knowledge or information of any improper influences, or any attempt at bribery, to secure the appointment or confirmation of E. C. Billings as judge of the United States district court of the district of Louisiana?—A. None whatever.

Q. Have you ever had any conversation with Mr. Casey or anybody else on that subject that disclosed any attempt to exercise such influences?—A. Never in the slightest.

By Mr. NEW:

Q. Do you know of any talk or contemplated arrangement of the kind, with a view to secure his appointment or confirmation?—A. None whatever. I may add that I do not know Judge Billings, and have never seen him; and I have never been approached by any of his friends, or any one supposed to be his friends, and I have had no knowledge of this popular slander, to which I suppose you allude.

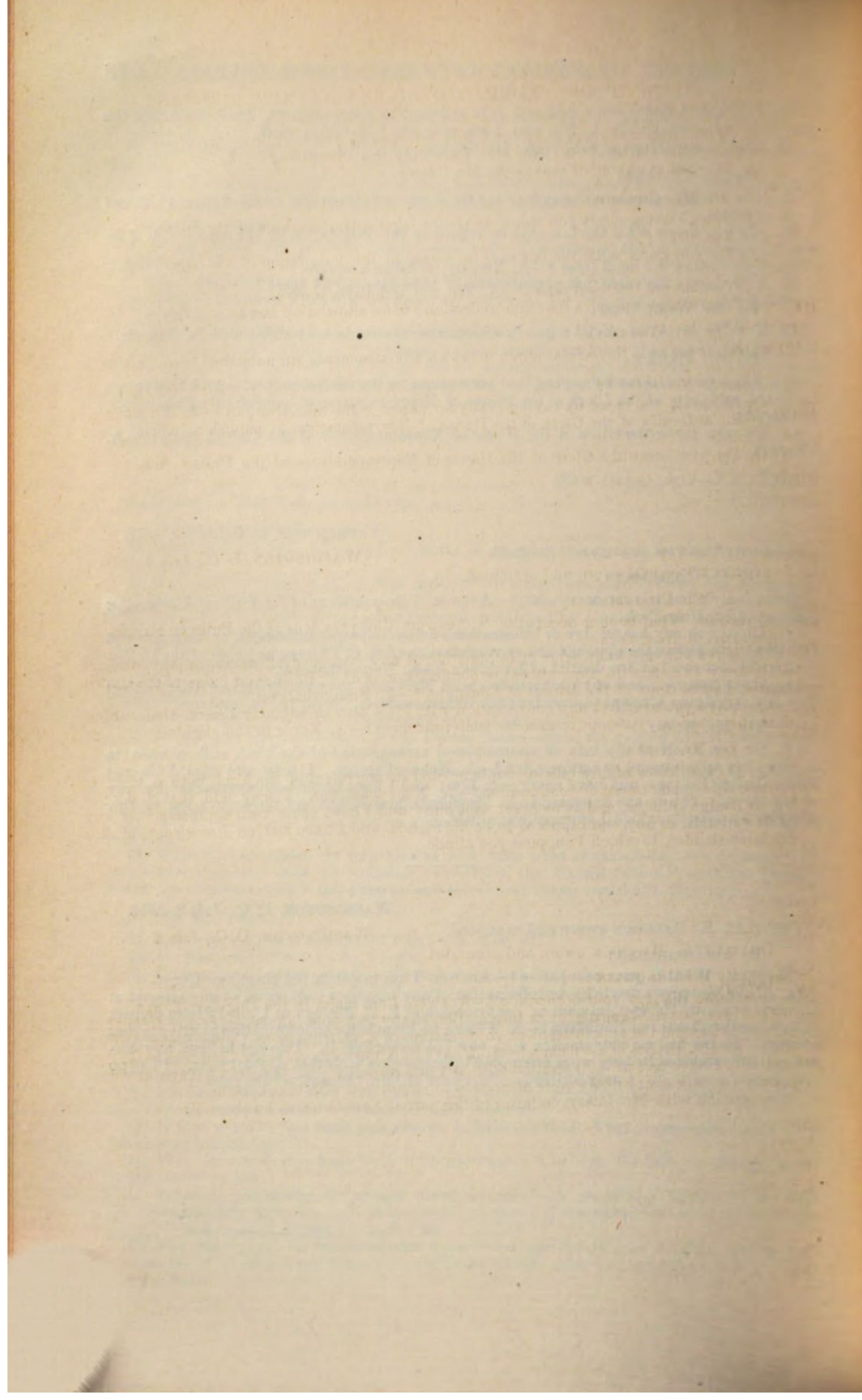
WASHINGTON, D. C., July 8, 1876.

ORVILLE E. BABCOCK sworn and examined.

By the CHAIRMAN:

Question. What is your occupation?—Answer. I am major in the Engineer Corps.

Q. Have you any knowledge or information of any improper influences, or any attempt at bribery, to secure the appointment or confirmation of E. C. Billings as United States district judge for the district of Louisiana?—A. I have no knowledge or information relative to that matter. I have had no conversation with any one respecting it. I do not believe any improper influences or bribery were attempted in connection with that appointment. I had no conversation with Mr. Casey, collector of the port at New Orleans, on the subject.



COUSHATTA AFFAIR.

REPORT OF MESSRS. VANCE AND WOODBURN, A SUBCOMMITTEE APPOINTED BY THE COMMITTEE ON LOUISIANA AFFAIRS, WITH THE TESTIMONY TAKEN BEFORE THEM.

NEW ORLEANS, LA., *June 12, 1876.*

Hon. RANDALL L. GIBSON,

Chairman Committee on Louisiana Affairs :

The undersigned, appointed a subcommittee to inquire into the Coushatta affair in pursuance of the following resolution adopted by the committee on the 30th May, 1876, viz :

Resolved, That the chairman appoint a subcommittee of two, whose duty it shall be to proceed to Coushatta, on Red River, and make inquiry (as required by resolution of House of Representatives, adopted May 4, 1876) into the cause of the recent murder of David King and wounding of Hon. M. H. Twitchell ; also that the subcommittee be authorized to hold sessions at such points in the neighborhood of Coushatta as to them may be deemed necessary to procure evidence in the matter of the proposed inquiry,

respectfully submit the following report :

The Committee on Louisiana Affairs were authorized and instructed to examine into the particulars of the Coushatta affair by virtue of the following preamble and resolution adopted by the House of Representatives May 4, 1876 :

Whereas it is alleged that M. H. Twitchell, a senator of the State of Louisiana and commissioner of the United States court for the State aforesaid, and David King, a citizen of the same State, have been within a few days found murdered on the Red River, in the State aforesaid : Therefore,

Be it resolved, That the select committee appointed to investigate the affairs and accounts of the Federal office-holders in the city of New Orleans be, and are hereby, instructed to inquire into the cause of said murder or murders, and that they be authorized to send for persons and enter into a full and complete investigation of the circumstances attending said transaction, and particularly as to whether it was or was not of a political character ; and that they report the result of their investigations to this House simultaneously with their other reports.

Your committee, in pursuance of the resolution adopted on the 30th May, after taking the testimony of one witness in New Orleans, proceeded by steamers to the town of Coushatta, in Red River Parish, reaching there on the evening of the 6th of June. On the 7th and 8th of June thirty-three witnesses were examined, including prominent men of both political parties.

From the testimony produced it appears that on the morning of the 2d of May, 1876, at an early hour, a stranger mounted upon a peculiarly-colored pony entered the town of Coushatta. He was disguised, having on a coat made of rubber or oil-cloth, reaching nearly to his feet ; his face was partially concealed by a heavy beard, evidently false ; his eyes were covered by a pair of goggles, and he wore his hat drawn down over his face. After reaching the town and before dismounting he went to a blacksmith's shop at the upper end of the village where he could command a view of the opposite side of the river. He

requested the blacksmith to shoe his horse, but finally stated that "his brother" would soon be there and would direct the smith as to the manner in which the horse should be shod. He remained in the shop until he apparently saw Mr. Twitchell approaching the ferry-landing in a buggy, on the opposite side of the river. He then rode to the landing, where he dismounted, hitched his horse, and proceeded to the top of the bank. About the time he reached the top of the bank the ferry-skiff, in which were David King, M. H. Twitchell, and the ferryman, (a colored man,) approached the landing. The stranger opened fire, wounding Mr. Twitchell in the leg. Twitchell jumped into the river and caught the edge of the skiff with his hand. Mr. King fired at the assassin from a revolver, when he turned his gun upon King and shot him, evidently causing death at once. He then turned his gun again on Twitchell and shot him through one arm and then through the other. About this time the ferryman attempted to rescue Twitchell from the water, and to prevent this the assassin fired at the ferryman, wounding him in one of his hands. Evidently supposing that his victim was dead the assassin mounted and rode away. During the progress of the shooting a gentleman named Benjamin Wolfson rode up on a horse, approaching quite near. The assassin pointed his gun at Wolfson and ordered him away, and he retired. Two ladies, Mrs. E. J. Merrell and Mrs. P. J. Lee, also approached the assassin during the progress of the firing. Mrs. Merrell begged him to desist, but without effect, and scanned him closely. Mr. Twitchell was rescued from the river and taken to the shore whence he had embarked a few minutes before. Mr. King's body was removed from the skiff; he was dead.

Such a tragedy naturally caused much excitement in the village. A number of the citizens crossed the river and gave such aid as was in their power to the wounded men, and many volunteered to pursue and endeavor to capture the murderer, and, after some delay caused by the indecision and lack of nerve exhibited by the sheriff of the parish, a posse was organized in charge of the deputy sheriff, an old man, and started in pursuit, but, after following the trail for several miles, lost it, and, finding it impracticable to get on any clew or trace of the fugitive from justice, finally returned to their homes. The country is thinly populated; the roads few and difficult; and the means of escape are abundant by the bridle-paths and through the swamps almost impenetrable.

Mr. Twitchell was removed to Springville, on the Coushatta side of the river, and about a mile from the town, where his testimony was taken.

The testimony of the witnesses, without exception, is to the effect that the man who did the shooting was unknown, and the horse that he rode was not recognized as belonging in that part of the country.

The foregoing embraces all that your committee were enabled to ascertain in regard to the death of Mr. King and the wounding of Mr. Twitchell and the ferryman.

Witnesses were examined with a view to ascertain whether the assassination "was or was not of a political character." As before stated gentlemen representing both of the political parties, white and colored men, were called and examined. The testimony shows that Mr. Twitchell was instrumental and took an active part in the organization of Red River Parish, and at the election preceding the organization of the parish, and while a candidate upon the republican ticket for State senator, was supported by prominent democrats in Coushatta and its neighborhood. Since the organization of the parish he has controlled the ap-

pointment of its officers, and has had almost unlimited control of its affairs. In addition to filling the office of State senator, he filled several offices himself; and on the 2d of May last, according to his own testimony, he was a State senator, member of the police jury of the parish, member of the school board, and United States commissioner. In reality he also had control of the school money, and other moneys collected from the tax-payers of the parish.

The testimony of all the disinterested witnesses who were examined in regard to the conduct of parochial affairs was to the effect that they had been loosely and extravagantly managed, and that Mr. Twitchell was responsible for their mismanagement. Numerous instances were cited showing a profligate waste of public money.

The lands of the parish were assessed at figures largely in excess of their value, and of the assessment in the neighboring parishes; and the taxes levied by reason of this exorbitant assessment fell but little short of confiscation. In many cases absolute confiscation resulted.

It became necessary to erect a court-house and jail for the parish. The evidence shows that the contract for the erection of the court-house was awarded to one John T. Yates, (at that time sheriff of the parish,) through the influence of Twitchell, then, as now, upon the police-jury; that after the award had been made, Twitchell demanded of Yates the contract; threatening that if it was not surrendered to him he would cause it to be revoked. Yates did surrender it to Twitchell, who caused the building to be erected and reaped the profit therefrom. Although the contract was let at \$16,525, yet the evidence goes to show that, in reality, the work has cost upward of \$40,000.

Again, Mr. Twitchell procured the building of several levees, and the evidence shows that gross frauds were perpetrated upon the treasury, and large sums of money realized therefrom by Twitchell and his confederates.

Your committee cannot, within the space of this report, recapitulate the worse than profligate conduct of school affairs, and other irregularities and malpractices of Mr. Twitchell and his associates as shown to have existed in Red River Parish since its organization. The testimony gives a brief history of many transactions, and to this attention is invited.

In a word, the affairs of the parish have been managed under the direction of Mr. Twitchell, in such a way as to merit and receive the condemnation of good citizens of both political parties; and your committee have no hesitation in saying that they were unprepared and greatly surprised to find such a lamentable condition of things existing.

These evils had grown to such an extent that an organization had been formed, known as the "Property-holders and Laborers' Union," composed of republicans and democrats, white and black, having for its object the rescue of the parish from its deplorable condition.

The evidence further shows that, notwithstanding the condition of affairs, for nearly two years past there had been no political excitement; no threats or attempts at intimidation had been heard or made. Men, prominent in both political parties, testified that no one was in danger, by reason of his political views or his public or private utterance of the same; that men could as safely express their political views in Red River Parish, on the stump or elsewhere, as in any part of our common country. Together with many others, A. B. Broughton, the parish judge, and a republican, testified to the foregoing effect, and, in addition,

stated that he had organized republican clubs during the campaign of 1874, and that at no time had he been molested or made afraid.

Your committee, after ascertaining that it was impossible to locate or identify the assassin or to obtain a clew as to who he was, having directed their inquiries particularly to the point as to whether politics had anything to do with the affair, are of the opinion that the testimony of leading men of the two political parties is explicit in establishing the fact that the shooting of King and Twitchell was not caused by reason of their political opinions, and that the affair "was not of a political character." The evidence shows that Mr. Twitchell had made a number of personal enemies within his own political party, and that threats against his life had been made by one or more of these parties. But the evidence was not of a character to create a reasonable ground of suspicion against any particular person, even among his personal enemies.

It may be well to state that it was undoubtedly the sole purpose of the assassin to kill Mr. Twitchell, and that Mr. King was shot after he had very properly fired at him.

In conclusion, your committee are of opinion, from the best testimony they were enabled to get, that the people of Red River Parish, irrespective of party, are desirous of political quiet, and are prepared to welcome to their midst men of all parties who are disposed to conduct themselves as law-abiding, peaceable citizens.

The evidence is herewith returned and made part of this report.

All of which is respectfully submitted.

JOHN L. VANCE,
WILLIAM WOODBURN,
Subcommittee on Coushatta Affair.

TESTIMONY.

NEW ORLEANS, LA., June 2, 1876.

W. T. BOARDMAN sworn and examined.

By Mr. VANCE:

Question. Where do you reside?—Answer. No. 266 Sixth street, New Orleans.

Q. Are you acquainted along Red River; if so, what length of time have you been so acquainted?—A. I have been steamboating on Red River in the capacity of pilot, captain, and master of boats for the last twenty-five years.

Q. Are you acquainted in Red River Parish, in which Coushatta is situated?—A. Yes, sir.

A. Are you acquainted with John T. Yates, who was at one time sheriff of that parish?—A. Yes, sir.

Q. How long have you known him?—A. I think I have known Mr. Yates since 1865 or 1866.

Q. Do you know whether an attempt was made some time since to assassinate Mr. Yates?—A. There was an attempt made some two years ago, as near as I can remember. Mr. Yates told me of it himself.

Q. What are the particulars of that attempted assassination, as you learned from Mr. Yates?—A. In March, 1876, he came down on my boat, and brought some prisoners from Coushatta to Baton Rouge. I remarked to him that I had not seen him since he was shot, and I said, "They came pretty near getting you." He said "Yes." I asked him if he knew who did it; he said, "Yes"; that the man lived in Texas, and that he had seen him quite recently, and had made friends with him. I remarked that I thought that was very strange, that a man would make friends with another who had shot him. He said he did not blame the man; that he considered Senator Twitchell to blame for it; that Twitchell had influenced the man to do it, and that he intended, whenever an opportunity occurred, to get even with him, and he "would show him (Twitchell) up," as he said, "in his true colors." That is about the substance of our conversation.

Q. Did he indicate to you the name of the man who shot him?—A. O, yes; he told me who shot him, but I don't remember the name; I remember Twitchell's name, because I am acquainted with him.

Q. Where did Yates get aboard of your boat?—A. At Coushatta.

Q. And came to Baton Rouge with prisoners for the penitentiary?—A. Yes, sir.

Q. Is Yates the present sheriff of Red River Parish?—A. I do not think he is.

Q. Do you know where he resides at this time?—A. I do not.

Q. This conversation, if I understand you, was prior to the recent attempt to assassinate Mr. Twitchell?—A. O, yes.

Q. By Senator Twitchell, did Yates mean the man who was recently wounded at Coushatta?—A. Yes, sir; M. H. Twitchell.

Q. What was the date of the recent shooting at Coushatta, whereby King was killed and Twitchell was wounded?—A. I think it was about the last of April or first of May.

Q. Have you heard anything in connection with the shooting, connecting Yates's name with it since that time? If so, state the particulars.—A. Yes, sir; I have. There is a landing on the river, about thirty miles above Coushatta, called East Point, at which place a man by the name of Yager came on board my boat, about two weeks after the shooting of Twitchell. Yager is rather a witty man, and I remarked to him that they had a warrant out for his arrest, for shooting Twitchell. He smiled, and said that he didn't do it, but he knew who did. I remarked that that was something no one else knew, and that I would be very glad to know who it was, and in fact everybody would be glad to know. He then said, "If Yates didn't do it, nobody did it." I asked him, then, upon what he based his opinion that Yates did it; he said he was satisfied that Yates did it—meaning the sheriff, the gentleman I have been telling you about.

Q. Did he give his reasons for thinking so?—A. No, sir; he would not; he merely laughed, and said, "If Yates didn't do it, nobody did." This man Yager has the reputation of being a little light-headed; he lives in New Orleans, and peddles watches through the country.

By Mr. WOODBURN:

Q. Do you know if Yates was in Coushatta on the day of the killing of King?—A. No, sir; I do not. I have not seen Yates since he came down with us on the boat with those prisoners, in February or March last.

Q. That is all you know in relation to it?—A. Yes, sir.

By Mr. VANCE:

Q. Did Yates tell you why Twitchell instigated this man to shoot him?—A. I don't think he did exactly. He did not tell me anything that I could swear to myself, because we were in general conversation about Yates's political turn. He made stump-speeches to the negroes and had great influence with them. He can get any office from the negroes that they are able to vote him. From what I could understand of the conversation, he and Twitchell had fallen out about some matter. I don't recollect that he told me what the difficulty was.

Q. Was it a political matter?—A. I think so. I am satisfied that it was. That is what we were talking about, and that is how he came to say that he believed Twitchell put up the job.

Q. What party did Yates belong to?—A. He and Twitchell both belonged to the republican party; that is, they belonged to the party different from the white people here.

SPRINGVILLE, RED RIVER PARISH, LOUISIANA,
June 7, 1876.

MARSHALL H. TWITCHELL sworn and examined.

By Mr. VANCE:

Question. Please state your name and residence.—Answer. My name is Marshall H. Twitchell. My residence is Coushatta, Red River Parish, Louisiana.

Q. How long have you resided in this parish?—A. Ever since its formation—ever since 1870.

Q. What public positions do you hold?—A. I am a State senator, member of the police-jury of this parish, a member of the school board, and a United States commissioner.

Q. Please state to the committee all you know in regard to the attempted assassination of yourself in May last and the killing of Mr. King.—A. On the 2d of May Mr. King and I left Starlight Plantation for the purpose of attending a meeting of the police-jury that day in Coushatta. When we were crossing the river in a skiff, I noticed a man walking toward a wood-pile, just on the other side, where we would land. Just as the skiff struck the bank he drew out from under his coat a Winchester rifle and commenced firing at us in the boat. Mr. King was killed very soon. After receiving the first shot in my leg I jumped

into the water and went under the boat, holding to the edge of the boat first with one hand and then the other, until he had broken both arms by shots, shielding my body by remaining under the skiff.

Q. Did King fire at the assassin?—A. I understand that he had a revolver and fired, but I do not remember it myself.

Q. Did you see the man clearly?—A. I saw him clearly; he was not more than eight rods from us.

Q. Who was that man?—A. I do not know; he was somewhat disguised.

Q. Was there anything about him whereby you could form an idea as to who he was?—A. I could form no idea who he was. There were many men spoken of afterward, but I did not think any one of them was the assassin; I was very well acquainted with them. He fired some 20 or 30 shots—I do not know how many—and left.

Q. How were you rescued from the river?—A. I was floating in the current of course, keeping myself up with my uninjured leg, and I was pulled in by the ferryman, and rolled into the boat and carried ashore by him.

Q. On the Coushatta side?—A. No, sir. We had instructed the ferryman when the firing commenced to pull for the other side of the river. My idea had been to get on the other side of the river.

Q. Was Mr. King instantly killed?—A. I do not know; he died very quickly. He received two shots, either of which would have killed him right away, one through the body and the other in the head.

Q. Had you received a shot in either arm prior to the killing of King?—A. No, sir. I received the shots in my arms while I was holding to the edge of the boat.

Q. And they were received after Mr. King had received his death-wounds?—A. Yes, sir.

Q. Can you give us any further statement whereby we may be enabled to ascertain the identity of the man who did the shooting?—A. No, sir; I cannot.

Q. Have you, since the shooting, expressed an opinion as to who did it?—A. O, no, sir; I am too shrewd a man to do so, even if I knew, lying here exposed as I am.

Q. I understand you to say that you do not know who did the shooting?—A. I do not know.

By Mr. WOODBURN:

Q. Did this man who did the shooting say anything while he was firing?—A. Not a word. There was the deliberate mechanism of a hired assassin, in my opinion, all the time. I think he had no personal feeling against me.

Q. Do you know whether he had any other weapons with him besides the Winchester rifle?—A. He had a large revolver that he fired some balls from.

Q. What was the character of his disguise?—A. There was something the matter with his eyes: I could not tell what.

Q. What kind of a coat had he on?—A. A dark rubber coat.

Q. What was his height?—A. Perhaps a little above medium height.

Q. Did you see him before he commenced firing?—A. I saw him walking along toward the wood-pile; his rifle was then concealed under his coat.

Q. Was there any other person near the man?—A. There were some ladies who attempted to stop the man from shooting; but, very strangely to me, there seemed to be no men there at all.

Q. Do you know whether there was any unusual crowd of people in Coushatta that morning?—A. I do not.

Q. Have you since been informed that there was any unusual gathering?—A. I have not.

Q. Was Mr. King allied to you by marriage?—A. He was my brother-in-law.

Q. Did he occupy any political position in this parish?—A. He was a member of the police-jury, but had resigned, and that was the last meeting that he was to attend; he was also a member of the school-board.

Q. Is there any salary attached to the places on the police-jury?—A. The law gave \$5 a day for work, but we had voluntarily cut down our pay to \$2.50, on account of the financial condition of the parish.

Q. Did Mr. King make any exclamation after you were shot in the leg?—A. I do not remember that he did.

Q. Did you hear the ladies make any exclamation, who came out to the bank where he was shooting?—A. I do not remember of hearing anything that they said at all, until one of them called to the ferryman to pull me into the boat.

Q. What was the name of that ferryman?—A. Dennis Sams.

Q. Did you notice any horse on the bank?—A. I noticed him riding a horse just before he got off of him.

Q. Did you notice the color of the horse?—A. Yes, sir.

Q. What was the color?—A. It was a kind of a cream-color, as near as I can remember.

Q. Had you ever seen that horse before?—A. Not that I know of.

Q. Had you seen any horse of a similar appearance?—A. I was not near enough to notice very particularly.

By Mr. VANCE :

Q. What was the object of your visiting Coushatta that morning ?—A. It was to attend a meeting of the police-jury.

Q. How many members compose that jury in your parish ?—A. Five members.

Q. Who were the members at that time ?—A. Myself, Mr. King, Mr. Watts, Mr. Perrow, and Mr. Mudgett, then newly appointed.

Q. Did you know of any threats having been made against your life ?—A. I had not heard anything of the kind for some weeks previous. But heretofore it was an every-day matter, almost, to hear of my life being threatened.

Q. From whom did those threats proceed ?—A. They came from a turbulent rabble in this country that always act with the democratic party, and I have never heard them express anything against me except that I was a troublesome republican leader.

Q. Did you ever hear of threats against you by others than this turbulent element acting with the democratic party ?—A. I do not know that I have heard the gentlemanly element saying anything. Personally, I am on the best of terms with all of them, I believe.

Q. Do you know of any threats against you coming from others than democrats ?—A. No, sir ; never in my life.

Q. You know of no threats from others than democrats ?—A. No, sir ; I do not remember of ever hearing any.

Q. Were you instrumental in the formation of Red River Parish ?—A. Yes, sir ; I was in the State senate at the time, having received for that position democratic votes as well as republicans, upon the idea that I should be able to form a new parish.

Q. You have taken an active part in the government of the parish since then, have you not ?—A. Very active ; I have done everything possible ; I have neglected my private affairs oftentimes for the good of parochial matters, having a feeling of pride in the parish. I have been called the father of the parish, having been instrumental in getting it established. I have done everything I could.

Q. Was the vote of all the people in the parishes from which this parish was formed taken upon the question as to whether or not the new parish should be created ?—A. No, sir ; only some of the distant portions where it was believed they might object ; we did not take the vote of this section around Coushatta, because everybody here was unanimously in favor of it.

By Mr. WOODBURN :

Q. Have any proper steps been taken since the shooting to secure the capture of the man who did it ?—A. In my opinion no steps were taken to secure his capture.

Q. What is the political complexion of the white people of this vicinity ?—A. They vote the democratic ticket generally.

Q. How many white republicans are there in this neighborhood ?—A. Fifteen or twenty now ; we used to have about fifty here before they commenced killing and scaring. It is hard work for men to be republicans where they are shot for it.

Q. How many white democrats are there in the parish ?—A. There were some three hundred democratic white voters just before the Coushatta massacre in 1874.

Q. The republicans have now dwindled from fifty to fifteen or twenty ?—A. Yes, sir ; the others are republicans still, but they judge that it is not well to proclaim their principles.

Q. Who is the sheriff of this parish ?—A. John W. Carnes.

Q. Who is his deputy ?—A. Mr. J. M. Elliott was at the time this occurred.

Q. Are they both republicans or democrats ?—A. Mr. Carnes is republican ; Mr. Elliott, I suppose, is a democrat.

Q. Did the sheriff take any steps to pursue and arrest this man ?—A. Mr. Elliott, the deputy sheriff, went out with a posse a little way.

Q. Was the sheriff in Coushatta that morning when the shooting occurred ?—A. I think not.

Q. Do you know whether he was at the time the deputy sheriff went out ?—A. I do not know, but I think not.

By Mr. VANCE :

Q. Did the deputy make any attempt whatever to arrest this man while he was in town after the shooting ?—A. No, sir ; nobody did.

Q. Did you at that time know, or have you since learned, why the sheriff did not make more strenuous efforts to arrest the assassin ?—A. The sheriff himself told me in this room, "If I had gone to arrest him, or attempted to with a posse of these people here, I expect they would hang me to a limb."

Q. "They," meaning the citizens ?—A. Meaning the democratic posse that he would have been compelled to summon.

Q. The sheriff did not make any attempt then, and has not since, to arrest this assassin ?—A. Only through his deputy ; he made no energetic efforts, I think.

Q. Only through his deputy ?—A. Yes, sir.

Q. Do you know of threats having been made against you by a man named John T. Yates ?—A. I never heard of his making any threats against my person.

Q. I mean against your person?—A. No, sir; I never heard of his doing so, to my recollection.

By Mr. WOODEBURN:

Q. You are satisfied that Yates is not the man, are you?—A. Yes, sir; he never harmed anybody.

By Mr. VANCE:

Q. Did you ever hear of a man named Todd making threats against you?—A. I have heard of Todd making threats against me.

By Mr. WOODEBURN:

Q. How long ago was that?—A. Three or four months ago.

Q. If this man was Todd would you have recognized him?—A. Certainly, because Todd has a very peculiar walk.

Q. You are satisfied it was not Todd?—A. I know it was not.

By Mr. VANCE:

Q. Was Mr. Yates at one time sheriff of this parish?—A. Yes, sir.

Q. Do you remember of an unsuccessful attempt being made to assassinate him two or three years ago?—A. Yes, sir.

Q. Do you know whether Mr. Yates has made a statement since that time that his would-be assassin had been hired by yourself?—A. I have heard that statement.

Q. Do you know whether he did or did not make that statement?—A. I do not know whether he did or did not.

Q. You never inquired of him?—A. No, sir; not at all.

Q. Have you ever met Todd since those threats were made by him?—A. Yes, sir.

Q. You have had no trouble with him?—A. No trouble at all.

Q. Was any money paid to you to get the act for the organization of Red River Parish passed, and to locate the court-house in the town of Coushatta?—A. Not one dollar was paid to me; but the merchants of Coushatta placed blank drafts in my hands for the purpose of giving wine suppers, if necessary; but not one single dollar was paid to me.

Q. How much money was used by yourself in this manner?—A. I should think there might have been \$1,000 or \$1,200 perhaps. I did remember at the time exactly, but do not now. Lisso & Brother gave me power to draw on them for whatever I needed.

Q. Do you know how much you drew upon them for?—A. I do not.

Q. Does the same answer apply to Dr. Guthrie, Mr. Fry, Mr. Baird, Mr. Armistead, Mr. Gahagan, Mr. Paxton, Mr. Stephens, and Mrs. Carroll?—A. No, sir; I think an assessment was made on those parties by Mr. Lisso, Mr. Abney, and others.

By Mr. WOODEBURN:

Q. Some of those people belong to the democratic party, do they not?—A. Two of them are democrats. It was an open thing; everybody in town knew it. It is a matter that I thought everybody was cognizant of.

Q. What influences were brought to bear to locate the court-house at Coushatta? Was any money used for that purpose?—A. Not one dollar that I know of. There was no other proper place; it is the only town in the parish; we could not very well locate it elsewhere.

By Mr. VANCE:

Q. Did you acquire from Mrs. E. A. Carroll a half-interest in the tract of land lying in Coushatta, known as the Carroll property?—A. Yes, sir; I got a half-interest in twenty acres.

Q. What consideration did you pay for it?—A. One thousand dollars in cash, and I will sell it to-day for the same money.

Q. Do you remember the assessed value of the property at the time it was transferred to you?—A. I do not.

Q. Did you get any property or money for the purpose of influencing you in the act for the organization of the parish and the location of the court-house?—A. Not a dollar; it cost me considerable money, as I stood my part of the assessment with other citizens.

Q. At the time of the organization of the parish, did you have in your possession blank commissions to fill out for the officers of the parish?—A. I did not; but my recommendation to the governor caused them to be appointed as I desired.

By Mr. WOODEBURN:

Q. Your recommendation as State senator?—A. Yes, sir; according to the custom of the State. We recommend all officers within our districts, and are held responsible for the government.

By Mr. VANCE :

Q. Did you receive any consideration from any one for his appointment?—A. Not one dollar, directly or indirectly.

Q. Were you appointed at that time as a member or president of the police-jury?—A. Yes, sir; I was appointed a member.

Q. You were the first president of the police-jury for the new parish?—A. Yes, sir.

Q. Were you a member of the State senate at the same time that you were acting as president or member of the police-jury?—A. Yes, sir; under our law a State senator is an officer only during the sixty days.

Q. What offices have you held since the organization of the parish?—A. I never have held any office except those I have heretofore stated. I would like to make this explanation: I became a member of the school board immediately after the passage of the new school law, because there seemed to be a determined opposition to the colored people being educated, and I took control of the schools very largely for the purpose of establishing schools so that both races might be educated. I have held my position on the school board more for that than anything else. There is no pay whatever attached to it.

Q. Have you during this period or any part thereof disbursed the school funds?—A. No, sir; I am not the disbursing officer. The funds are held by the treasurer, and I, as president, draw on him for the money; that is, I give a draft to the parties to whom the money is due.

Q. Have you at any time kept the school funds in your possession?—A. I have had large portions of the school fund in my possession a good deal of the time, being the heavy bondsman on the bond.

Q. Have you kept the funds deposited in bank to your private account?—A. Well, there has been a continual change between the tax money and the school money, between New Orleans and here, which has oftentimes brought this money perhaps to my private account, that is, the balance. The tax money collected here, instead of being transported to New Orleans at a risk, is used to pay the teachers here, and the school money in New Orleans is used to pay in for the taxes collected here.

Q. At the organization of the parish who were appointed its officers?—A. Mr. D. H. Hayes, a democrat and a very good man indeed, was the clerk: Mr. John T. Yates, a republican, who, unfortunately, I found to be a bad man, sheriff; Homer J. Twitchell, my brother, recorder; Mr. Thomas E. Paxton, a democrat and a very good lawyer, district attorney; and A. O. P. Pickens, a republican, whose official acts I have never heard questioned, parish judge; the police-jury I do not remember. I was a member of it. They are of less importance.

Q. Were there any democrats on the police-jury?—A. No.

Q. The parish has built a jail and court-house since then?—A. Yes, sir.

Q. Who let the contract for the building of the court-house and jail?—A. The police-jury.

Q. Who took the contract, and at what price?—A. John T. Yates took the contract; I have forgotten the price.

Q. Do you remember whether it was about \$16,500 for the building of the court-house?—A. I think that was it.

Q. Were there any responsible bids for a less sum than that?—A. There was a responsible bid less than that, but the specifications and plan of the building that they put in were altogether out of shape; we could not begin to take it. I carried the plan around to Mr. Lisso and others, and nobody was satisfied with it.

Q. Did you sell \$20,000 of parish bonds for the building of the parish court-house and jail?—A. Yes, sir; "and other indebtedness;" that was the wording of the act.

By Mr. WOODBURN :

Q. That was an act of the legislature?—A. Yes, sir; an act authorizing the issuing of the bonds.

By Mr. VANCE

Q. Did you, as president of the police-jury, issue about \$22,000 in court-house and jail parish warrants or scrip?—A. Yes, sir; I presume so.

Q. What amount of special taxes were levied and collected in all to build the court-house and jail?—A. I cannot remember now.

Q. Do you remember what amount was paid out in all for the building of the court-house and jail?—A. I do not; as we have been continually repairing.

Q. Do you know whether it reached \$60,000?—A. That is impossible.

Q. Do you know that it did not reach that amount?—A. I know it did not.

Q. Were you interested, directly or indirectly, in the bid of John T. Yates for the building of the court-house?—A. No, sir.

Q. Did you claim that Yates's bid was your bid in fact?—A. Never.

Q. Do you recall the night of the riot in this parish in 1874?—A. I recall it to mind; I was not here.

Q. Do you remember what date it was?—A. The murders took place on the 31st of August.

Q. Was there not a disturbance here on the 28th of August?—A. Yes, sir; it commenced then.

Q. Where were you on that night?—A. In New Orleans.

Q. Did you a short time previous to the riot caution Mr. Lisso and advise him not to return to Coushatta; that there would be a riot here?—A. I met Mr. Lisso in the city; he had always been one of my warm personal friends. Said I, "They are getting to be very hot up there, and you will have to come out and be a White-Leaguer right straight through or they will drive you out of the country." He says, "I am my own man and I intend to be independent." Said I, "Don't go up there, or you will have a row." I did not tell him that there was going to be a riot; that was something beyond my knowledge. I did caution him.

Q. A short time previous to this riot or disturbance did you obtain guns and ammunition in New Orleans, or elsewhere, and ship them to this parish?—A. I shipped perhaps some shot and powder to my store, as I always did; but not a gun or pistol, and not more than an ordinary stock of powder and shot.

Q. After the disturbance or riot, was there a compromise or settlement made with the citizens of the parish by yourself?—A. That is what we call it; it was a kind *faux pas* that let me out of the position I was in. I came up here and found that they did not intend to let me get away.

Q. Was the compromise carried into force?—A. No, sir.

Q. How many warrants were issued for the arrest of persons in the parishes of Bienville, Red River, and Natchitoches, for complicity in the riot?—A. I do not know. The package I saw, I presume contained 35, perhaps.

Q. Were there any blank warrants issued at that time?—A. Not to my knowledge; I have heard of these blank warrants, but I never saw one.

Q. Did you cause a man by the name of Benjamin Wolfson to be arrested by the United States Cavalry in the fall of 1874?—A. Perhaps I may have caused it. The United States marshal from New Orleans had a warrant for his arrest. Mr. Wolfson was around town; I had noticed him around there, but I told the marshal that so long as he staid around and we did not know whether the prisoners were to be removed or not, I did not see any necessity of making the arrest. So he was not arrested until, I think, about the third time the marshal informed me that Mr. Wolfson was so very insulting that he feared he would either have to whip him or arrest him, and begged for my permission, though he had full authority to do it without my permission; but still he preferred to advise with me. Finally I told him to do as he pleased, and he arrested him.

Q. Did you ever have any conversation with Mr. Wolfson's sister about his arrest?—A. Yes, sir.

Q. Did you say to her that he was only arrested because he talked too much, and that she need not be uneasy about him?—A. I presume I may have said that if he had kept stiller he would not have been arrested.

Q. Did you issue or cause to be issued any warrants against citizens of the parishes of De Soto, Red River, and Natchitoches during the fall and prior to the election of 1874?—

A. I never issued a warrant that was served; I issued two or three warrants for parties that we could never reach. The warrants that were served were issued from New Orleans before I came.

Q. Were you interested in procuring their issue?—A. I was, most deeply, as I had lost by them my brother and two of my brothers-in-law.

Q. I am speaking of warrants issued prior to the election of 1874.—A. Yes, sir; it was for the arrest of these parties who had murdered my family.

Q. Were any persons arrested by the United States deputy marshal during the fall and prior to the election of 1874, against whom there had been no warrants issued, and who were released after the election without giving bond?—A. I think there was a man arrested that way by mistake. I believe there were two arrested by mistake in Coushatta, the names in the warrant not fitting the parties.

Q. Were there any warrants issued against J. F. Stephens, Pinckus Liebrecht, J. M. McLemore, W. F. Eames, N. R. Jones, and R. M. Searcy?—A. These parties that you speak of were arrested by United States Deputy Marshal Stockton before I reached the parish. I never knew anything about the matter until I found them here under arrest.

Q. Were those parties I have just named released after the election without giving bond?—A. I don't remember. Mr. Stockton, the deputy marshal who arrested them, released some of them; I don't remember whether before or after the election.

Q. Did he release them without consultation with you?—A. Yes, sir; because they were arrested not upon my order.

Q. Did not a great many citizens of this parish move off during the fall of 1874 and during the time these arrests were being made?—A. I presume they did. I know a good many did. We lost some six, eight, or ten republican families who moved out at that time, and then there were quite a number who moved away, fearing arrest from the other side.

Q. Are there not many such absent at this time?—A. I don't think there are very many; they have mostly returned.

Q. Were you a candidate to the office of State senator at the time these arrests were being made?—A. Yes, sir.

Q. Were you elected by the popular vote in the district which you now represent?—

A. It was so declared by the returning board and by the board of arbitration.

Q. Did you, in reality, have a majority of votes?—A. Not as they reported them from De Soto Parish.

Q. Have you, since your residence in this parish, learned or do you know that you have a number of personal enemies?—A. I do not. I think I am as free from personal enemies as almost any man in the parish.

Q. What gave rise to the trouble between you and Mr. Todd?—A. Well, I don't know hardly, unless it is because I loaned him some money, and he wanted some excuse for not paying it; that is all I can imagine. He wanted some excuse to get mad and refuse to pay it.

Q. There is no other reason that you know of?—A. No other reason that I know of.

Q. Do you know Edwin Bean, supervisor of registration for De Soto Parish?—A. Yes, sir; I know him.

Q. Are you now or have you been on unfriendly terms with Mr. Bean?—A. I never have been in the world. He is a man that will do anything in the world for me, I think.

Q. Do you know whether Mr. Bean has expressed himself as hostile to you?—A. Sometimes he would get drunk and talk against me, but when he meets me he is all right.

By Mr. WOODBURN:

Q. Was he here at the time of the shooting?—A. No, sir; he was in New Orleans.

By Mr. VANCE:

Q. Do you know of any democratic resident of this parish, or any adjoining parish, who has threatened your life on account of your political opinions?—A. I don't know of any individual who has. It doesn't come that way—to threaten as an individual. That makes it a personal and individual matter, and almost, according to our laws here, gives me license to shoot him on sight. It only comes in this way: that a certain man is so troublesome that "he must be killed, and some of our boys must do it." It is in that form that threats come.

Q. Do you know of threats coming in this way; and, if so, from whom did they come?—A. I cannot locate any individual who has made such threats.

Q. Was there any unusual amount of firing at your plantation on the night of the 1st of May, 1876?—A. Not to my knowledge. There may have been by Mr. Harrison and Mr. Mudgett, who were there practicing with their pistols. There were 10 or 12 shots fired that night by Mr. King and Mr. Harrison.

Q. During the year 1875 did you hold the blank resignation of Mr. King as tax-collector?—A. I don't know whether it was 1875 or 1876 that he sent his resignation down to me. He got cross about something and sent it down. I did not put it in, but held it for a long time, thinking he would get in a better humor, which he did, and I guess he thanked me for not putting it in.

Q. What was the ostensible reason for tendering his resignation?—A. He didn't like his deputy, and as I was his principal bondsman, he did not like to remove him without consulting me, as I had recommended him.

Q. Was there an agreement between yourself and Mr. King, whereby you should receive a percentage for collecting the State tax in this parish?—A. There never was such an agreement, and I never received one dime.

Q. To whom did Mr. King pay over the money he collected?—A. He counted it, and deposited it in the safe at certain times, and the settlements were usually made by me in New Orleans, as my business caused me to be there most of the time, and the money was forwarded to me.

Q. By whom?—A. By Mr. King or by Mr. Harrison, his deputy. The expenses of these trips to New Orleans amounted to about \$100 each time, and it was simply a matter of business economy to forward the money to me.

Q. What has been your business since you came to the State of Louisiana?—A. Planter.

Q. Have you been actually engaged in planting?—A. Yes, sir; my laborers have always been very well pleased with me, and I have succeeded where better planters have failed.

Q. Is there an indictment pending against yourself on a charge of embezzlement of the funds of this parish?—A. I was indicted for embezzling \$20,000 of parish funds, and required by the judge to give a bond in the sum of \$500.

Q. Is the indictment still pending?—A. Yes, sir; as I was not here to be tried.

By Mr. WOODBURN:

Q. Were you required to give bond by the present judge?—A. Yes, sir.

By Mr. VANCE:

Q. At the time of Mr. King's death was he a member of the police-jury?—A. Yes, sir.

Q. Was Mr. W. S. Mudgett also a member?—A. Yes, sir.

Q. And you were a member?—A. Yes, sir.

Q. Did Mr. King and Mr. Mudgett at that time reside under the same roof with you?—
A. Mr. Mudgett resided in town, but was up at Starlight most of the time. Mr. King and myself resided under the same roof at that time. Mr. King's resignation had been sent in, and that was to be his last meeting with the police-jury.

Q. Did you state, in the presence of the committee to investigate the tax-collector's office about the first of April last, that you had three men on the police-jury whom you could control, and that you intended to keep them so?—A. I don't remember of making any such statement.

Q. Do you remember that you did not make any such statement?—A. I do not remember anything about any such thing. Now that you recall it, I remember making a statement of this kind: in consulting about funding the parish scrip, I remarked, "I have got two members on that police-jury that I can bring to my views about funding this scrip, and we will shave up to fifty cents on the dollar."

Q. Have you said to any one, since the riot of 1874, that the people of Red River had called you king, and that they should know you were such?—A. No, sir; I never made such a statement as that. I may have said that some of them had foolishly called me king, but I never made such a statement that they should call me such.

Q. Did you ever make a statement to the effect that you intended to bring the people of this parish to beggary?—A. Never. I have done more to build them up than any other man that ever lived here.

Q. Did you ever use language to that effect or import?—A. Never.

By Mr. WOODBURN:

Q. Do you know, of your own knowledge, or from any source whatever, of the existence at present, in this parish or adjoining parishes, of the White League?—A. No, sir. I think it was kind of disbanded after the election, probably, and will not be revived until just before the next one.

Q. Have they ever been in existence, and disbanded and re-organized previous to an election?—A. It seems to me that their system is to organize just before the election, complete their work, and then let the organization fall through, only to be revived just before the next succeeding election.

By Mr. VANCE:

Q. Is it unsafe in this parish for a republican to express his political opinions?—A. I think a republican can express his opinions here without much danger of personal violence; but when he shows his power to organize and bring to the polls the votes which we have here, and it appears that by that means the democratic party will certainly be beaten, it then becomes very unsafe for such a man to do so—very unsafe.

Q. Can you give us any instance of this?—A. About the best instance lies right here before you. I have succeeded in keeping the district republican ever since I have been here. I have no idea in the world that, if they had not been afraid of the future, I would have been in the position I am now. Coley Pearson, who is the boldest republican leader in Natchitoches, and the only one whom they have not succeeded in driving out, was shot down in the street.

Q. Do you attribute your attempted assassination to political motives?—A. Entirely. There was none other existing. I consider that the democratic party, in my assassination, had a large stake to play for.

Q. What stake did they have to play for?—A. For some reason I have been a successful manager of the district and parish. Any one republican must be considered the balance in the State senate in the way it is now organized. There are nine republicans and nine democrats. When they would walk up to be sworn in, if an objection was made and overruled, on a vote there would be nine democrats and nine republicans. The casting vote of the lieutenant-governor, who is a republican, would give the organization to the republicans. The destruction of a republican senator would then be a matter of vast importance to the democratic party of Louisiana.

By Mr. VANCE:

Q. Since you were wounded have you been placed in possession of any facts or circumstances that would show that this assault had been made upon you for political purposes?—
A. My friends have told me in conversation here, particularly after we saw the resolution of Congress offered by Mr. McDougall for this investigation as to whether it had a political bearing, and we laughed at the idea that anybody should think there was any other purpose connected with it. I have been told that Mr. Wolfson in town, for one, and quite a number of others, said, "Well, if they ask us that question, we will have to tell them, of course, it has. The only objection to the man was his politics."

Q. Knowing these facts or believing them to be true, is it not possible for you to place at the disposal of this committee the names of persons here or elsewhere who can give information that will lead to a proper understanding of the matter?—A. I think if you will summon the republicans generally, they will testify to the same thing. I don't know whether the democrats will or not. They said they would, a week ago, but I don't know that they will now.

By Mr. WOODBURN:

Q. Give us the names of some republicans.—A. Mr. Z. T. Wester, clerk of the court; Jno. W. Carnes, sheriff; and Mr. W. S. Mudgett. I don't know that I can name any others. I don't know what they will swear to. I reckon most any of the witnesses will swear to about the same thing.

By Mr. VANCE:

Q. We would like the names of all who can give us any information on the subject—A. Mr. Harrison or Mr. Wester can give you the names better than I can.

COUSHATTA, LA., June 7, 1876.

BENJAMIN WOLFSON sworn and examined.

By Mr. VANCE:

Question. Where do you reside?—Answer. Coushatta, Red River Parish, Louisiana.

Q. How long have you lived there?—A. I have been here since December, 1873.

Q. Are you acquainted generally in the parish?—A. I am.

Q. Were you in Coushatta on the morning of the 2d of May, 1876, and were you a witness to the shooting of King, Twitchell, and the ferryman by a stranger on that morning?—A. I was in Coushatta on the morning of the 2d, and saw the man standing on the bank shooting, but I did not know at the time that he was shooting at King, Twitchell, and the ferryman.

Q. State all you know about the matter.—A. I was down at the post-office between nine and ten o'clock in the morning to get my mail, when I heard the report of three or four guns, I think. I thought at the time that it was in the yard of Mr. Lisso, which is very near there. I walked out the front door, and there was the mail-rider standing there with his horse. I asked him to let me have his horse to ride to the front to see what was going on. He refused to let me have his horse. I then took the reins out of his hands, and said, "I will have it; it won't take me but a minute to go to the front." So I jumped on the horse and started; and when I was within about 50 or 60 yards of the river I heard the report of a gun. I did not see the person who fired nor where it was, but I knew it was near the river, or on the bank of the river. When I got within ten steps of the bank of the river I heard a second report, and then I saw a man standing upon the edge of the bank. I rode up within ten or fifteen steps of him to see what he was shooting at, and spoke to him. He said, "God damn you, go back," and leveled his gun at me. He was then in the act of shooting. He had the gun presented where he was standing on the bank, and wheeled and presented it to me. I immediately whirled and left.

Q. Did you observe the man carefully?—A. No, sir, not carefully; I did not have time. I rode up at full speed, but he turned so suddenly I did not have time to examine him closely. He wore an overcoat; I could not say whether it was India rubber or not; I have since heard that it was. It came down very nearly to the heels of his shoes. He wore a light hat and had his back turned to me when I first saw him, and when he wheeled facing me suddenly I noticed that he had goggles on.

By Mr. WOODBURN:

Q. You did not recognize his voice?—A. No, sir.

By Mr. VANCE:

Q. Did you recognize the man?—A. I did not; I never saw him.

Q. Did you see the horse he rode?—A. No, sir; I did not see that.

Q. Can you inform the committee from any information you have who this man was?—A. I cannot.

Q. Were any attempts made after the shooting to arrest the man?—A. Yes, sir; at least, the citizens all offered their services. I, for one, offered mine, and had my horse saddled, and went to the sheriff and asked him if he was ready, and told him that I was ready. I said, "I will go to the court-house and hold myself in readiness to go with any posse that you may take." My horse was saddled in the yard and ready to go.

Q. To whom did you address this remark?—A. The sheriff himself, Mr. Carnes. He came up to me and said he wanted me down at the court-house. I said, "I am summoned as a posse to go in pursuit of this man." He said, "I want you at the court-house."

Q. By whom had you been summoned to go in pursuit of the stranger?—A. I was not summoned; I merely offered my services.

Q. That is what you meant by being summoned?—A. Yes, sir; I had met the deputy sheriff on the street, and he said he was going, and so I offered my services. He said, "All right; you are one of them to go."

Q. Have you obtained any information since that time as to who the man was that committed that crime?—A. I have not.

By Mr. WOODBURN :

Q. Was there any unusual gathering of people in Coushatta that morning?—A. No, sir; there were no other strangers in town.

Q. Did you see any other persons in the vicinity of the bank of the river when he was shooting?—A. Yes, sir; there were several colored men standing there, and some ladies.

Q. Did you hear him say anything else besides what he said to you?—A. Not a word. I rode up at full speed and left at full speed.

Q. You have been acquainted with the people in this locality since 1873?—A. I am very well acquainted, I think, with everybody in this vicinity.

Q. Had that man been a resident, you would have recognized him by his voice in all probability?—A. No doubt I would.

Q. Was his face so disguised that you could not see his features?—A. He was standing with his back to me. I only noticed the flash of the glass goggles. I could not say whether he had a beard or not, he turned so suddenly on me. He wore a very large coat.

Q. How long after the shooting was it until you offered your services to the sheriff?—A. I suppose it could not have been over three-quarters of an hour, because I had assisted in taking Mr. King out of the skiff in the mean time.

Q. Immediately after the shooting was over was any attempt made by anybody to capture him?—A. There was after an hour or so. It was so sudden that everybody ran down to the scene of action, and by that time he had disappeared.

Q. Do you know whether or not the sheriff refused to accompany the posse to capture him?—A. I do not.

Q. You know that he did not go?—A. I know that he did not go. He sent his deputy, a very old man.

Q. How long after the shooting was it until the posse started?—A. I do not know; I did not see them when they started. It was not more than three-quarters of an hour when I was ready to start. It was not that time hardly. I went across the river, and remained there a few moments and rowed back.

Q. Do you know, of your own knowledge, or from any other source, of any persons living in this locality bearing any enmity or ill feeling toward Mr. Twitchell?—A. Yes, sir; I have heard of such.

Q. Outside of political reasons?—A. I do not know whether they were political or personal. I have heard the remark made that there were such persons.

Q. Who were they?—A. I have heard of John T. Yates.

Q. Yates was in town on that day, was he not?—A. I do not remember; I do not think I saw him.

Q. Was he occupying any political position at the time of the shooting?—A. I think he was deputy sheriff; I am not positive.

Q. What are Yates's politics?—A. I think he is a republican.

Q. Carnes is a republican, also?—A. Yes, sir.

Q. What are the politics of the deputy sheriff—the old gentleman that accompanied the posse?—A. I cannot say. He has taken no part in politics at all.

Q. What was the nature of the threat Yates made?—A. I have heard the man repeatedly say that he would have his revenge. He accused Twitchell of hiring some one to shoot him.

Q. Was Yates at that time an active republican?—A. Yes, sir; he has been.

By Mr. VANCE :

Q. Have you heard any other threats of a personal nature?—A. No, sir; no other threats.

Q. As I understand this difficulty between Yates and Twitchell, it was not because of any difference in political feeling?—A. No; they both belonged to the same party.

Q. When you crossed the river after the shooting what did you find?—A. Immediately on landing on the opposite bank I found the skiff there with King, whom I recognized, in the bottom of the boat. I got in and helped to take him out.

Q. Was he dead?—A. He was dead. I went up the hill then, and saw Captain Twitchell lying there wounded.

By Mr. WOODBURN :

Q. Did you find any weapons in the skiff?—A. Yes, sir; I saw a pistol in the skiff under Mr. King, and I saw a pistol taken from the pocket of Captain Twitchell by Mr. Hayes.

By Mr. VANCE :

Q. Did you find the negro who acted as ferryman?—A. Yes, sir; I saw him on the hill.

Q. Was he wounded?—A. Yes, sir; he had his hand wrapped up with a handkerchief.

By Mr. WOODBURN :

Q. Have you ever heard that this man who did the shooting was known to anybody here?—A. No, sir.

By Mr. VANCE :

Q. Was it the desire of the citizens of this town, irrespective of party, that this man

might be arrested?—A. They were all anxious to have him arrested; that the murderer should be ferreted out, and, to speak for myself and many other citizens, I would say that we offered our services to go and arrest him immediately. I have heard a general desire expressed that he should be arrested. I have heard men say that they would willingly give \$50, \$100, or \$500 to see the man arrested.

By Mr. WOODBURN:

Q. What is your business?—A. I am now attending to the winding up of a succession. I am employed in Mr. Pierson's office. I came up here in the latter part of November, 1873.

Q. Are you acquainted generally with the political sentiments of the people resident here?—A. Pretty well.

Q. You are a member of the democratic party, are you?—A. Yes, sir; I am.

Q. Can a republican from the North, East, or West, come into this locality and reside with perfect safety to his own person and property, and proclaim his political belief?—A. I think so.

Q. You are satisfied of that?—A. I am satisfied.

Q. Suppose a republican came here and conducted himself as an honest citizen, and took an important part as an active republican in the politics of this parish; could he do so with security to himself?—A. He could, I firmly believe, because we have instances right here before us.

COUSHATTA, LA., June 7, 1876.

E. W. RAWLE sworn and examined.

By Mr. VANCE:

Question. Where do you reside?—Answer. In Coushatta.

Q. How long have you resided here?—A. I have been in business here since the first of October, 1874.

Q. What is your business?—A. I keep a warehouse here.

Q. Were you present in Coushatta on the morning of the 2d of May, 1876, and did you witness the shooting of Twitchell, King, and the ferryman?—A. I was present on the morning of the 2d of May. I saw a man doing the shooting, but I could not see from the position I was in what he was shooting at.

Q. State all you know about it briefly?—A. I was standing on my front gallery in company with Mr. Hayes, a notary public here, conversing on business. A man rode along on a slate-colored pony, within, I suppose, twenty or thirty steps of where we were. I took particular notice of the man because he appeared to be a stranger. He had on a long overcoat made of India rubber; it was a very old one, because it had peeled off. As he passed me I saw that he was a stranger, and said I "Good morning." He turned around and nodded his head. He then rode about thirty or thirty-five steps from where we were and hitched his horse at a little paling-fence near Dr. Guthrie's office. When he dismounted I saw that he had a rifle in his hand. He walked down toward the levee, and just before he got in sight down at the river he passed his rifle behind him, and then stepped in past the wood-pile in front of the pile of lumber and wood down on the bank of the river, and commenced shooting. Mr. Hayes remarked something to the effect that "He is shooting at Twitchell." It then crossed my mind that I had seen Twitchell and some other person leaving the other side of the river, coming toward this side. I cannot tell how many shots were fired.

Q. Do you know how many shots were fired from the boat?—A. No, sir; I do not know how many shots were fired. I think altogether the man fired about ten or twelve shots with his repeating-rifle. He shot left-handed and right-handed. I took notice of that, because I have been an artillery officer in the war, and a soldier naturally admires a man who shoots well. He had green or blue goggles on, I could not state exactly which, because I am near-sighted. Before he was done shooting, Mr. Wolfson rode up and seemed to speak to him, but I could not hear what he said, they were too far off—I suppose eighty or ninety yards from me. I saw Mr. Wolfson turn and go back, and then I knew the man had ordered him back. I saw him draw his rifle on Wolfson.

Q. Did you go down to the river?—A. No; Mr. Hayes remarked that we had better go in the house. I said, "I do not think he wants to shoot us." He then mounted his horse. Just before that I looked right in his face as well as I could at the distance he was from me, and saw that the man apparently had false whiskers on, because in firing he appeared to have disarranged them a little; they appeared to be out of place.

Q. State whether the man was fired on from the skiff after he commenced firing.—A. I could not say, because I could not see down the bank. That is the reason I could not say how many shots were fired.

Q. What followed the shooting?—A. Before he mounted his horse he drew his revolver. He had it in his right hand and the rifle in his left. He mounted with the button drawn. I took particular notice of that, because I thought he would be hard to run against in that way. He then rode down behind the blacksmith-shop, and how many shots he fired there I do not know.

Q. Did he fire any from behind the blacksmith-shop?—A. I did not see; I heard them. I could not see behind the shop. I saw him when Mudgett commenced firing at him, and he turned. As soon as Mudgett fired four shots he turned and rode back in this part of town. By that time people had begun to accumulate rather promiscuously in town, and I walked down to the levee to see what it was, and just then I was called for on business by some man to my warehouse. By that time a large crowd had got into the boat and gone across.

Q. Were any steps taken to follow this man and capture him?—A. I have heard that there were parties who went. I could not go myself because I was busy. There were wagons there to load up and take them out. I did not go into that part of town where they were making up a party to go.

By Mr. WOODBURN :

Q. Are you a member of the democratic party?—A. I do not profess to be much of a politician.

Q. Are you acquainted with the sentiments of members of the democratic party living in Coushatta?—A. I know the principal people here.

Q. You have heard them talking and expressing themselves on various occasions?—A. Yes, sir.

Q. As a citizen of this parish, I will ask you if you believe that a man professing the politics of the republican party can settle in this parish with safety to himself and property. What is your opinion on that matter?—A. I believe that any man who would behave himself could. I believe the same thing in regard to the adjoining parishes.

Q. Suppose he is an active leader in the republican party of his parish; is there any particular prejudice against him?—A. Not on account of his political opinions.

Q. State if there is a prejudice in this community against Mr. Twitchell, and if it pervades the community to any extent?—A. I could only state from hearsay. I have heard it over and over again, and I have heard any quantity of people say so—men of both sides.

Q. Did they say that they were prejudiced against Mr. Twitchell?—A. Nothing more than against the monstrosities of his administration.

Q. In reference to the management of the affairs of the parish?—A. Yes, sir. I have not been a resident of the parish long enough to get an insight into things.

Q. Do you know of any malfeasance in office on the part of Mr. Twitchell?—A. No, sir; I do not. I have never been on any committee to examine into anything of the kind, and do not know, of my own personal knowledge.

Q. Have you heard any members of the republican party express ill-will against Mr. Twitchell for the reason you have stated?—A. No, sir.

Q. Have you ever heard any of them say that his administration of parochial affairs was not sound or proper?—A. Yes, sir; I have—several of them.

Q. Prominent republicans?—A. Yes, sir.

Q. Please mention their names.—A. I have heard Judge Broughton say so. I have heard Mr. Watts, a member of the police-jury, say so. I do not know whether Mr. Watts is a republican or not; I merely hear that he is.

Q. Do you know the parish treasurer, Mr. Morgan?—A. I did know him; he has been here for some time.

Q. He was republican in politics, was he not?—A. So they say. I do not know; I never asked him.

Q. Did you ever hear him express himself against Twitchell on account of his administration of affairs?—A. Not directly.

Q. You have been told by others that he did make some remarks damaging to Mr. Twitchell?—A. Yes, sir.

COUSHATTA, LA., June 7, 1876.

Mrs. E. J. MERRELL sworn and examined.

By Mr. VANCE :

Question. Where do you reside?—Answer. In Coushatta.

Q. Were you in Coushatta on the morning of the 2d of May last?—A. I was.

Q. Did you witness the shooting of Twitchell, King, and the ferryman by a stranger at that time? If so, please state to the committee all that you saw.

The WITNESS. The whole proceedings as I saw them?

Mr. VANCE. Yes; and as briefly as you can.

A. Well, sir, that was a very cold morning. I was sitting at the machine preparing to sew. I looked out of the window and saw a man on a rather peculiarly-colored horse, and from his garb I took him to be a stranger. He attracted my attention the first time I saw him as he was going along. After passing my house he disappeared by the winding of the

street, and I did not see any more of him until presently he attracted my attention again. I saw him going on foot toward the wood-pile in front of Mr. Lisso's store, with a tolerably short gun in his hand. There I saw him fire his first shot. My servant and children ran out and said, "It is an alligator. Let us go and see the alligator." He stood there until he fired the second shot. I said, then, "It is worse than an alligator, I am afraid." I then got up and started to the door, and called my children back. He continued shooting. I met Mrs. Lee after I had gone out, and she said to me, "Some one is shooting on the river." Said I, "Let us go see what it is. My children say it is an alligator, but I am afraid it is worse than an alligator." We ran to the river, and Mrs. Lee began screaming that it was her husband. "No," I told her; it was not her husband, because he had on a white hat that morning, and that gentleman had on a black hat. The man then was shooting up at the blacksmith shop. He then discharged that gun, and ran from the blacksmith-shop, and came back where his horse was on this side of the blacksmith-shop, near my house, and there commenced with pistols. By that time I saw what he was shooting at. Captain Twitchell was in the water endeavoring to save himself by holding on to the boat. The man shot the second time. I saw a man who looked to be dead in the skiff. I said to the ferryman, "For God's sake save that drowning man." Then I pleaded with the man to forbear shooting, and begged for mercy, but he still continued to fire, in spite of all my entreaty, until he had fired four shots from his pistol. I asked that man if he was dead. I saw that he was pretty well given out. I saw the negro reach down from the skiff that he might be enabled to get Captain Twitchell out of the water, and he succeeded. The man then shot at the ferryman the last time, and that broke his hold on Captain Twitchell. He then turned round and rode off muttering. Twitchell had the appearance of being dead. The stranger rode quietly off in a walk.

Q. Did this stranger say anything to you?—A. He spoke only once, except that he was muttering when he turned off.

Q. What did he say?—A. My servant said, "It is not no alligator;" he said, "Yes; it is a damned black alligator."

Q. Did he speak to you or your servant?—A. He did not speak to me, but he looked at me very intently when I begged him to forbear.

Q. How long have you resided in Coushatta, or the neighborhood?—A. I have lived here since the 16th of October last.

Q. Are you acquainted with the people of the section, by sight or name?—A. I know pretty much every gentleman in this town by sight.

Q. Did you recognize the man who did the shooting?—A. No, sir; I did not; he was disguised.

Q. Do you know who he was, or can you give this committee any information whereby they can learn who he was?—A. No, sir; I cannot. I never saw him before, that I know of.

Q. After what you have recounted, did you go to your house?—A. No, sir; I staid there for some time. I was almost frightened to death. I waited to see what was done on the bank.

By Mr. WOODBURN:

Q. Did you ever hear any citizen of this parish or locality express any opinion as to who the man was that did the shooting?—A. No, sir; never did.

COUSHATTA, LA., June 7, 1876.

Mrs. P. J. LEE sworn and examined.

By Mr. VANCE:

Question. Where do you reside?—Answer. Coushatta, Red River Parish, Louisiana.

Q. Were you in Coushatta on the morning of the 2d of May, and did you witness the shooting of Twitchell, King, and the ferryman by a stranger?—A. I was in Coushatta, and witnessed the latter part of the shooting.

Q. State to the committee all you know in regard to this affair.—A. I was sewing at the time the shooting commenced. I live adjoining Mrs. Merrell's. I did not see him as he rode down, or came in, but heard the firing begin; and after repeated firings I heard the negro girl, Mrs. Merrell's servant, exclaiming, "Shoot again." I went out on the gallery and asked her what she was hallooing at. She said that a gentleman was shooting an alligator. About that time Mrs. Merrell was on her gallery, and I asked Mrs. Merrell what it was. We went out to the river together, and when we got there a gentleman came cantering down on his horse. I then discovered that there was a gentleman in the water, and I exclaimed, "Oh! my poor husband!" I thought it was my husband that had got into a difficulty with some one across the river, and that they were shooting at him. Mrs. Merrell said it was not my husband; that he had on a black hat, and my husband

wore a light one. I then became more reconciled, of course. I did not discover who it was, but I began to plead with Mrs. Merrell to go back to the house; I was afraid we would get shot ourselves. She begged for the man's life, to save him, but the gentleman continued to fire until he fired four shots from his pistol.

Q. Did you look carefully at the man?—A. I did, very carefully.

Q. How long have you resided in Coushatta and the neighborhood?—A. I have been in the neighborhood since 1867.

Q. Are you acquainted with the people of Coushatta and the country immediately around it?—A. Yes, sir; I am.

Q. Are you acquainted with the people of Red River Parish generally?—A. Yes, sir; I know a great many of them.

Q. Did you recognize the man who was doing the shooting?—A. I did not.

Q. Was he disguised?—A. He was.

Q. How was he disguised?—A. He had on goggles, and from his appearance he had on false whiskers. The face seemed to be tipped a little, however, but very little of his face showed at all. His goggles covered the greater portion of his eyes, and his whiskers reached up his cheeks.

Q. Can you tell whether he was white or black?—A. I thought he was a white man, but I could not swear that he was.

Q. After the shooting what did the man do?—A. He rode leisurely off. The last fire he gave, Mrs. Merrell asked the ferryman if the man in the water was dead, and he answered back, "Yes." Then the gentleman raised up in his stirrups and looked down in the water, and turned and rode off muttering to himself.

Q. You could not distinguish what he said?—A. No, sir.

Q. Did you speak to him yourself?—A. No, sir; I did not.

Q. Mrs. Merrell pleaded with him for mercy?—A. Yes, sir; she pleaded with him, and I was pleading with her to go to the house.

Q. At the time the stranger rode off had any of the citizens of Coushatta reached the scene?—A. There were a good many in sight, but I do not think there was any immediately on the bank. They were coming.

Q. But they had not arrived?—A. No, sir; I do not say there was any immediately on the bank.

Q. What street did the man follow when he left? What direction did he take in going out of town after the shooting?—A. He rode up Front street, and thence out Carroll street. I was told he went out Carroll street; I did not follow him to see.

COUSHATTA, LA., June 7, 1876.

L. G. DE RUSSY sworn and examined.

By Mr. VANCE:

Question. Where do you reside?—Answer. Coushatta, Red River Parish.

Q. How long have you resided there?—A. Since the fall of 1873.

Q. What is your occupation?—A. I keep a grocery and saloon.

Q. Did you witness the shooting of Twitchell and others on the morning of the 2d of May, 1876?—A. The latter portion of it.

Q. State what you saw.—A. When I heard the shooting first it attracted my attention. I was in the house and went out on the gallery to see what it was. About that time Mr. Wolfson rode up to where the shooting was, and I saw him immediately turn and retreat very rapidly. I thought by that something unusual was going on, and I walked out to the river-bank to see. In going out I saw some ladies, Mrs. Merrell, Mrs. Lee, and others, and I asked what the shooting was. Some one replied that she thought it was an alligator. I went out on the river-bank and then I saw a man in the water and the ferryman pulling and exerting himself to get to him. About that time I saw a man riding upon a small horse. He rode deliberately to the river-bank, drew his pistol, and commenced shooting. I then turned around and went back into the house.

Q. Did you take a careful look at this man who did the shooting?—A. Yes, sir.

Q. Did you recognize him?—A. No, sir.

Q. He was disguised?—A. I think he was.

Q. Are you acquainted with the people of Coushatta and Red River Parish?—A. Yes, sir; I know everybody in Coushatta, and most of the persons of the parish.

Q. Can you give the committee any information other than what you have already stated as to who this man was?—A. No, sir; I have no idea.

Q. Do you know whether any steps were taken by the citizens of Coushatta to pursue and capture this man?—A. Yes, sir.

Q. What followed the shooting; what steps were taken?—A. I heard there was a posse in readiness to go and assist in catching him. None of them told me. I remained in the house, but I heard the citizens had volunteered to go and catch him.

By Mr. WOODBURN :

Q. Did you have any impression, when you first saw this man shooting, as to his identity?—A. No, sir.

Q. You had no impression or opinion?—A. No, sir; none at all. It took me perfectly by surprise.

Q. Have you ever heard any persons in this community express an opinion as to who he was who did the shooting?—A. No, sir.

Q. Did you notice his horse?—A. Yes, sir; I did.

Q. Was there anything peculiar about the animal?—A. He was a small pony, of rather a peculiar color.

Q. Did you ever see any horse in this parish similar in color to that?—A. Yes, sir; I think I have.

Q. Whereabouts?—A. In town.

Q. Who owns the horse?—A. I have seen two or three horses very near the same color. It was a mouse-colored horse.

Q. Are you acquainted with the owners of the horses in town that look like that?—A. No, sir; I have seen them hitched about here.

Q. You do not know who owns them?—A. No, sir.

By Mr. VANCE :

Q. Are you a democrat or a republican?—A. I am a democrat, but take very little part in politics.

Q. Do you know whether a republican can, with safety, express his opinion and cast his vote as a republican in this parish?—A. I think he can.

Q. Can a republican exercise his rights as a citizen, electioneer as such, and use his influence with the people of this parish as a republican, without molestation?—A. I think he can, provided he conducts himself properly.

Q. Have you ever known or heard of an instance where a man in this parish has been proscribed or threatened because of his political opinions?—A. I never have.

By Mr. WOODBURN :

Q. Do you know of the existence of any secret political societies in this parish?—A. No, sir.

Q. Have you ever heard that any secret political societies exist?—A. I have heard of freedmen having secret meetings.

Q. You have not heard of the white men having any?—A. No, sir.

COUSHATTA, LA., June 7, 1876.

ALFRED MORSE (colored) sworn and examined.

By Mr. VANCE :

Question. State your residence.—Answer. I live right here in Coushatta.

Q. How long have you lived here?—A. I have been here for fifteen years.

Q. Are you acquainted with the people of this town and Red River Parish?—A. Not many of them; only right here in town. I know a few about in the country.

Q. Were you in Coushatta on the morning of the 2d of May last?—A. Yes, sir.

Q. Did you see the stranger who shot Twitchell, King, and the ferryman that day?—A. Yes, sir; I saw him when he came in.

Q. State all you know about him.—A. I was up to Gogreve's about 6 o'clock in the morning, about sunrise. He rode up street and went around by Patick Delaney's. I never saw him any more until he was done his shooting and was riding off by the blacksmith-shop. I saw him then with his back to me.

Q. What sort of a looking man was he?—A. He had long, black hair and black whiskers. I couldn't see his face none of the time.

Q. Do you know who that man was?—A. I do not.

Q. Had you ever seen him before?—A. Not as I know of.

Q. Have you ever heard anything since then that would lead you to say who the man was?—A. No, sir.

Q. Did you see him when he was off his horse?—A. No, sir.

Q. He was on his horse both times you saw him?—A. Yes, sir; both times I saw him.

Q. Did you see the shooting?—A. Yes, sir.

Q. Did you go to the river?—A. No, sir; not until after he was done shooting.

Q. And gone?—A. Yes, sir; he was riding off.

By Mr. WOODBURN :

Q. Was he disguised at 6 o'clock in the morning when you saw him?—A. He had on green goggles and black whiskers.

- Q. Could you see the rest of his face?—A. No, sir.
- Q. Was he armed?—A. Yes, sir; I saw a gun and pistol.
- Q. Did you notice the kind of a horse he was riding?—A. Yes, sir; it was a little mouse-colored looking horse.
- Q. Did you ever see a horse of similar color and size in this country?—A. Yes, sir; I have seen several, but I never noticed them much.
- Q. Do you know of anybody in Coushatta or the neighborhood who owns a horse of that size and color?—A. No, sir; I do not believe I do.
- Q. Did you speak to him when you met him at 6 o'clock in the morning?—A. No, sir; I didn't speak to him at all.
- Q. Do you belong to any political party?—A. Yes, sir; I always vote at elections.
- Q. What ticket?—A. I always voted the radical ticket.
- Q. Do you find any difficulty in this community with men of the opposite party because you vote the radical ticket?—A. A heap of democrats call on me at the polls and ask me to vote their ticket.
- Q. I suppose you do not do it?—A. I don't do it.
- Q. They know it, do they not?—A. Yes, sir.
- Q. You tell them?—A. Yes, sir; after I vote.
- Q. Do they offer you any personal violence?—A. No, sir.
- Q. You never suffered any personal violence on that account, did you?—A. No, sir; I never suffered much, only the time of the riot here when I had to take to the bushes—that is all.
- Q. Since then you have had no trouble here on account of politics?—A. No, sir.
- Q. Do you know of the existence of any white man's league here?—A. No, sir; not a great deal.
- Q. What is your opinion on that subject now—that such a thing exists in this parish?—A. No, sir.
- Q. You don't believe it does exist?—A. No, sir; I don't think it does.
- Q. Your opinion is now that every colored man, even though he is a radical, can go to the polls with perfect impunity and vote?—A. Yes, sir; if he does like I do.
- Q. That is, behave himself?—A. Yes, sir; and go and vote when he gets ready.

COUSHATTA, LA., June 7, 1876.

DAVID BIGHAM (colored) sworn and examined.

By Mr. VANCE:

- Question. Where do you reside?—Answer. In Coushatta.
- Q. How long have you resided here?—A. I came here in 1873.
- Q. Where did you come from?—A. De Soto Parish.
- Q. Were you in Coushatta on the morning of the 2d of last May, when Mr. Twitchell and Mr. King were shot?—A. Yes, sir.
- Q. Did you witness the shooting?—A. Yes, sir. I was not there when it first commenced; I was at breakfast; but I got there when the shooting had about ceased.
- Q. What did you see?—A. I saw the man that did the shooting, but who he was I do not know anything about. Probably I know the man; I may have seen him many a time; but he was disguised so that I could not tell who he was.
- Q. Did you know him that morning?—A. No, sir.
- Q. Did you see whom he was shooting at?—A. After I got there I saw who he was shooting at.
- Q. You could see, when he was shooting, whom he was shooting at?—A. Yes; of course I saw him at it.

By Mr. WOODBURN:

- Q. Did you notice his horse?—A. Yes, sir; I noticed his horse.
- Q. Did you ever see the horse before?—A. Not that I remember; it is a horse I thought I had seen in the parish, but I have heard since that it was not that horse.
- Q. Your impression at that time was that it was a horse you had before seen in the parish?—A. Yes, sir; from the color of the horse.
- Q. Who owned the horse?—A. John Mimms.
- Q. Where does Mr. Mimms reside?—A. He lives in this parish, in the hills, out in the country.
- Q. How far from here?—A. I could not tell you, really; it is between five or six miles, or may be further.
- Q. What does Mr. Mimms do out there?—A. He is a farmer.
- Q. Do you know if he has any white men in his employment?—A. Not that I know of.
- Q. What are his politics?—A. I don't know.
- Q. Did you never inquire?—A. No, sir.

By Mr. VANCE :

Q. What is his color ?—A. He is a black man.

By Mr. WOODBURN :

Q. Were you certain at that time that that was his horse ?—A. No, sir.

Q. Since then you have heard it was not his horse ?—A. Yes, sir.

Q. Who told you ?—A. I have heard a good many say it was not ; if I had taken a second thought to notice about the horse's face I might have recognized it.

Q. Did you have any impression on your mind at the time as to who the man was ?—A. No, sir.

Q. Not when you first saw him ?—A. No, sir ; I could not tell who he was.

Q. To what political party do you belong ?—A. The republican party.

Q. You have voted the republican ticket ever since you have been here in this parish ?—A. Yes, sir.

Q. Have you ever been molested in any way by members of the opposite party, on account of your voting the republican ticket ?—A. No, sir ; but I have had a good many advisements.

Q. Have you been insulted, disturbed, or injured in any way ?—A. No, sir.

Q. Have any threats of personal violence been made against you because you voted that ticket ?—A. No, sir.

Q. Do you know of any other republican, who has conducted himself as becomes a gentleman in this community, who has been insulted in any way by members of the democratic party on account of being a republican ?—A. No, sir.

Q. Your opinion is then that a man who belongs to the republican party can come into this community, and settle and take an active part in politics, without any danger to his person or his property ?—A. I have got along with them so far.

Q. Do they all get along the same as you do ?—A. Every man don't use his politics in the way I do, probably.

Q. I am speaking of a man who settles here, and has the reputation of being honest and industrious.—A. Yes, sir ; the way I have seen, an industrious man, of course, I believe he gets along.

Q. He can get along here as well as a democrat, can he not ?—A. Yes, sir.

Q. That is your opinion ?—A. Yes, sir.

Q. Have you ever known of any members of the republican party to be insulted or attacked because they were republicans ?—A. No, sir.

Q. Do you know Mr. Twitchell ?—A. Yes, sir ; I do.

Q. What is the feeling on the part of the people here toward Mr. Twitchell ?—A. I could not tell you.

Q. Have you ever heard his character discussed among the colored men, for instance, as to whether he made an honest officer and good citizen ?—A. I could not tell you anything about that, because there is one thing I hardly ever have anything to do with, and that is politics. When I want to vote I go and vote at the election, but to argue on a subject of that kind, I don't do it.

Q. I am not talking about arguing ; I am asking if you ever heard men talk about his character, as to whether he was a good or bad man, and whether he was honest in his conduct of affairs in this parish.—A. It is just this way : of course a good many like him, and a good many do not.

Q. Did you ever hear any leaders or prominent men of the republican party say they did not like him on account of his administration of affairs in this parish ?—A. No, sir.

Q. How does he stand with the republican party as an honest official ?—A. As far as I have known there are a good many of them outside of town I do not know anything about, and a good many of them in town here, of course, like him very well. I never heard anything against him.

COUSHATTA, LA., June 7, 1876.

PATRICK DELANEY sworn and examined.

My Mr. VANCE :

Question. State your residence.—Answer. I live in Coushatta.

Q. What is your occupation ?—A. Blacksmith.

Q. How long have you resided in Coushatta ?—A. Four years last November.

Q. Were you here on the morning of the 2d of May last ?—A. I have been here all the time, but I did not keep any count.

Q. I speak of the morning that Mr. Twitchell and Mr. King were shot. Were you here that morning ?—A. Yes, sir ; I was in the blacksmith-shop that morning.

Q. Did the man who shot these parties come into your blacksmith-shop that morning ?—

A. I do not know, but they said he did. I cannot swear to the man that did the shooting. I did not see the shooting.

Q. Did the stranger come in that morning?—A. Yes, sir; the stranger came in.

Q. How was he dressed?—A. He was in a very poor situation. I would not give fifty cents for all the clothes he had on. He wanted to get his horse shod, and I trimmed his feet. He told me to wait awhile, that his brother was coming in and would tell me how it was to be done. I did wait and I did some work on some plows that was there that I had to do, and that is all that I know about the man.

Q. Did he take his horse and go away?—A. Yes, sir; he said he would be back in ten minutes.

Q. Did you recognize the man?—A. No, sir; I did not recognize him. He might be in this house now and I would not know him.

Q. What sort of a horse did he have?—A. I could not tell you exactly. He was what we call a pigeon-colored horse, neither black nor blue, nor anything else.

Q. Had you ever seen the horse before?—A. Never in all my life before.

Q. Have you ever seen that horse since then?—A. I could not tell.

COUSHATTA, LA., June 7, 1876.

P. H. MERRELL sworn and examined.

By Mr. VANCE:

Q. Where do you reside?—A. In Coushatta.

Q. How long have you resided in Coushatta?—A. Since November last.

Q. Are you acquainted with Coushatta and the neighboring parishes?—A. Not out in the country. I know all the gentlemen in the place.

Q. Were you in town on the morning of the 2d of May last?—A. Yes, sir.

Q. Did you see the man who shot Twitchell and King?—A. I saw the man that was said to be the party.

Q. Describe his appearance to the committee, if you please, when you saw him, and all that you know about him.—A. My office is on the street running from the street parallel with Abney street back; I had heard the firing, and was going out of my gate, when he passed right near by, some fifteen or twenty paces from me; I noticed that he had a short rifle in his left hand with a Remington six-shooter in his right hand. He eyed me very closely, and that attracted my attention, I not knowing that he had shot any one at all; he passed on by at a canter without saying anything to me; he had a pistol cocked in his right hand.

Q. Did you recognize the man or the horse that he rode?—A. No, sir.

Q. What sort of a horse did he ride?—A. It was one of those creole dun ponies—a medium-sized pony.

Q. Can you give the committee any information whereby they can ascertain the identity of this man?—A. No, sir; I cannot.

Q. To what political party do you belong?—A. The democratic party. I take but very little interest in politics any way.

Q. Do you vote?—A. Yes; I always vote the democratic ticket.

Q. You are acquainted with the feelings and the sentiments of the people in this section of the country, are you?—A. Of this particular place I am, but I do not know so much about the country.

Q. Can a republican exercise his rights as a citizen here without molestation or intimidation?—A. I think he can. Since I have been here, and from all I have learned, I think he can.

Q. Can a republican use his influence as a politician, if he so desires, for the purpose of influencing votes in favor of his party without molestation?—A. I think he can.

Q. Do you know of an organization commonly called the White League having existed here?—A. I do not.

Q. Do you know whether one ever existed here?—A. Not of my own knowledge.

Q. Do you know whether any secret political organization is in existence here among the democrats?—A. I think not.

Q. In your judgment, then, an honest, upright citizen, whether democrat or republican, can exercise all the rights of citizenship here without molestation?—A. I think so.

By Mr. WOODBURN:

Q. Do you know of any prejudices existing in the minds of the citizens of this town against Mr. Twitchell by reason of his management of affairs in this parish, as an official?—A. I hear different parties expressing themselves so.

Q. What is the tenor of their assertions here? Do they have a prejudice against him?—

A. I think their prejudice is on account of his usurpations in office. That is the way they expressed themselves, at least.

Q. Not because he was a republican?—A. No, sir.

Q. Do you know of any members of the republican party ever expressing themselves as being prejudiced against him for that same cause?—A. I have heard Judge Broughton express himself in that way.

Q. He is the parish judge?—A. Yes, sir.

Q. Is he not a member of the republican party?—A. I do not know what party he belongs to.

Q. Do you know whether or not the judge was elected by the republicans?—A. I do not. I was not here at the time.

COUSHATTA, LA., *June 7, 1876.*

JOHN W. CARNES sworn and examined.

By Mr. VANCE :

Question. Do you reside in Coushatta?—Answer. No, sir; not immediately.

Q. Do you reside in Red River Parish?—A. I do.

Q. In what part of the parish do you reside?—A. Six miles down the river.

Q. Do you hold any official position in the parish?—A. I do.

Q. State what it is.—A. Sheriff.

Q. How long have you been sheriff?—A. My term of office runs out this year.

Q. When were you appointed?—A. In November, 1874.

Q. By whom were you appointed?—A. The governor.

Q. Upon whose recommendation?—A. I do not know that.

Q. Who are your deputies?—A. Mr. Champion is my deputy now.

Q. Who was your deputy in Coushatta on the morning of the 2d of May last?—A. Mr. Elliott.

Q. Were you in town on the 2d of May?—A. I was, but not at the time this occurred. I was in an hour or so afterward.

Q. Did you take any steps toward pursuing this assassin of King?—A. I sent my deputy.

Q. Why did you not go yourself as sheriff of the parish?—A. [After a pause.] Things were in considerable turmoil here, and I did not feel disposed to go myself. I thought the deputy could do all that would be necessary.

Q. What sort of turmoil existed here?—A. Considerable excitement.

Q. What had occasioned the excitement, and what was the nature of it?—A. This shooting, I suppose.

Q. Is it not the first duty of an officer of the law to arrest an assassin?—A. I think the deputy can perform the duty just the same as the sheriff; that has always been my view of the law.

Q. Was your deputy that sort of a man who, by reason of his age and activity, could pursue this assassin with the same degree of success that you could?—A. He had been doing all the work in the office heretofore. There was not enough work to keep two men in it; and the office did not pay me to stay in it.

Q. How old was your deputy at that time?—A. I do not know his age; his hair is somewhat gray.

Q. Is he an active man?—A. He is for a man of his age.

Q. An energetic man?—A. I cannot say that he is a very energetic man. He is a man of good standing here.

Q. Were there any offers of help to assist in arresting the assassin by the citizens of the town?—A. Yes, sir.

Q. Those offers were made irrespective of party?—A. Yes, sir; I suppose so; they were all whites.

Q. Did democrats offer to follow this man and help arrest him?—A. Yes, sir.

Q. Did you form the posse that pursued the stranger?—A. No, sir.

Q. Who did?—A. Mr. Elliott, my deputy.

Q. Have you been confirmed as sheriff of this parish?—A. I think so.

Q. Do you know whether you have or not?—A. I don't know exactly, to tell you the truth, whether I am an appointed or an elected officer. I was elected, but there was some little question as to whether my position was held by appointment or how; I cannot say positively.

Q. You do not know your political standing, then?—A. No, sir.

By Mr. WOODBURN :

Q. Have you a certificate of election?—A. I have a commission.

Q. Since the time of your reception of your commission you have been exercising the duties of sheriff?—A. Yes, sir.

Q. When the offers were made by the citizens of this town to assist in arresting the man after the shooting on the 2d of May, do you believe the offers of these men were sincere?

[A pause.] Do you believe that they meant what they said when they suggested the propriety of making the arrest, and offered their services?—A. Yes, sir.

Q. Did you accept their services?—A. I did.

Q. In what way?—A. I told them I would be glad to have all go that would.

Q. Who got out the warrant for his arrest?—A. The warrant was out when I got here.

Q. You were not in town at the time the shooting was done?—A. No, sir.

Q. How long after the shooting was done before the posse started?—A. I suppose it must have been an hour and a half.

Q. Do you know why they did not start sooner?—A. No, sir.

Q. You gave as a reason why you did not go that there was some excitement here in town, and you remained in order to prevent any undue excitement?—A. Yes, sir.

Q. How came you to the conclusion that there was any excitement in the town that day?—A. I had been informed before I came in town that there was some trouble here, and that the excitement was getting pretty considerable.

Q. Who so informed you?—A. Several that I met—Mrs. Jones and some freedmen.

Q. Did they tell you that the excitement was caused by the shooting of Twitchell?—A. Yes, sir.

Q. You then came to the conclusion that, on account of that shooting, you had better stay here?—A. The citizens were torn up a good deal here.

Q. In what way?—A. Excited. It seems that it was entirely unlooked for.

Q. Did you ever tell any person in the parish of Red River that the reason why you did not join the posse to arrest this man who did the shooting was because you were afraid of your own life in case you took an active part?—A. I do not know that I ever said that.

Q. Do you know that you did not?—A. I did not like to trust myself under the excitement.

Q. That was the reason why you did not go?—A. One among them.

Q. There were two reasons—first, you supposed there would be considerable excitement in consequence of this shooting; and, second, you did not like to trust yourself with the posse, in making the arrest. That is the fact, is it not?—A. Yes, sir.

Q. Had you any reason for believing that any of the gentlemen who suggested the propriety of arresting this man who did the shooting, and who offered their services to make any arrest, would assassinate you on the way? Had you any foundation for such a belief?—A. No foundation only what I had seen.

Q. Recently?—A. No, sir.

Q. In days gone by?—A. Yes, sir.

Q. In the last two years since the riot in 1874, has anything occurred to excite a suspicion in your mind that you would not be safe in making the arrest of this man, with the posse that went out?—A. No, sir; I think the citizens would have done all they could with me.

Q. If that be the case, why did you not go, as you have seen nothing in the last two years that would occasion suspicion in your mind that your person was not secure in executing your duty?—A. I reckon I saw a little too much in 1874.

Q. You are a member of the republican party, are you not?—A. Yes, sir.

Q. What is your opinion in reference to this matter; if a republican came from the North, East, or West, and settled in Red River Parish or in any of the adjoining parishes, and proclaimed his principles as a republican, and voted the republican ticket, would his person and property be safe if he acted as a good citizen here? Would there be any danger of personal violence from any members of the democratic party?—A. No, sir.

Q. You think he could live here with perfect safety?—A. Yes, sir.

Q. If you, as a citizen of this parish, were to make political speeches and influence men to vote the republican ticket, would you be safe in your person and property from members of the democratic party?—A. I cannot answer that question.

Q. What is your opinion with reference to others who might settle here, and who would take an active part in politics?—A. They might live here, but I do not know that I could say they are entirely safe.

Q. Has anything occurred here in the last two years to induce you to believe that you would not be safe?—A. Nothing, only this last occurrence here.

Q. The assassination of Twitchell?—A. Yes, sir.

Q. Do you attribute the killing of King and the shooting of Twitchell to politics?—A. Not entirely with Mr. Twitchell.

Q. Does anybody here in this community contend that this man went there for the purpose of killing both King and Twitchell?—A. Not that I know of.

Q. You say that the shooting of Twitchell is not entirely attributable to politics. Please state to what other causes the shooting of Mr. Twitchell was attributable, in your opinion.—

A. I have heard the citizens speak, and they say there has been a great deal of fraud practiced in the parish.

Q. In the administration of parochial affairs?—A. Yes, sir.

Q. Have you ever heard any respectable members of the republican party made the assertion that the administration of parochial affairs, at the head of which was Mr. Twitchell, was not conducted properly?—A. Yes, sir; I have.

Q. Will you please tell the names of these men?—A. Judge Broughton, for one.

Q. Do you know of any other republican?—A. No, sir; I do not.

Q. Do you know a gentleman named S. A. Morgan?—A. Yes, sir.

Q. Is he a member of the republican party?—A. No, sir.

Q. Was he?—A. No, sir.

Q. Is he living here now?—A. He is in the parish.

Q. About how many white republicans are there in the town of Coushatta?—A. There are not more than five or six, I think, in town.

Q. Yourself and Judge Broughton are two of them?—A. Yes, sir.

Q. Can you name the others?—A. Mr. Wester, clerk of the court, is another.

Q. Is Mr. Yates living here now?—A. No, sir.

Q. What is your own judgment about the shooting of Twitchell; that it was solely attributable to the fact that he was a republican?—A. I do not know.

Q. Have you no opinion upon that subject?—A. I have never formed an opinion in regard to it.

By Mr. VANCE :

Q. You stated that when you came into town on the morning of the 2d of May the excitement was getting high among the citizens?—A. It was high.

Q. Was it not natural that the people of this parish should be excited under such circumstances?—A. I think so. I know I was excited more or less myself.

Q. Did the citizens of the town condemn the assassination?—A. I did not talk with them but very little that day.

Q. Did you hear anybody applaud the man who did the shooting?—A. No, sir.

Q. Did you see anybody who showed a disposition to let him escape?—A. No, sir.

Q. Were not all the people of this town, regardless of their party feelings, anxious, so far as you know, to see this man arrested?—A. Yes, sir.

Q. That being the case, the excitement not being greater than the occasion would call forth, what caused you to fear accompanying this squad of men who went in pursuit?—A. I did not feel myself safe.

Q. What did you fear?—A. I have answered that question.

Q. Please answer it again.—A. From what I had seen previously.

Q. Do you refer to the occurrences of 1874?—A. Yes, sir.

Q. Did you apprehend danger from the men of Coushatta who proposed to form this posse to apprehend this murderer?—A. It was such a dash on me when I came in town—may be I can answer your question satisfactorily—when I came in I was not looking for anything of the sort, and it excited me a good deal. The citizens were excited, and I did not know what it would lead to. I did not find out who did the shooting, and they did not seem to know, and I did not know what it would bring about. I had been here before in the troubles and got a good scare.

Q. The reason, then, of your not accompanying this posse, in truth and in fact was that you yourself were very much excited, and did not know the truth about the matter at all, and you preferred not to go with them?—A. Yes, sir.

Q. You failed, therefore, to discharge your duty?—A. I sent my deputy.

Q. You did not head the posse as high sheriff of the parish?—A. No, sir.

Q. Because you were excited, and did not know what might be the result?—A. That is the fact.

Q. Had you any reason, from your intercourse with the people of Coushatta, to fear that these gentlemen would assassinate you? Did that thought enter your mind?—A. I did not fear the citizens that I saw in town, but I did not know what was outside of it.

Q. How long have you lived in this parish?—A. I have lived in this parish about seven years.

Q. Are you a native of Louisiana?—A. No, sir.

Q. Where are you from?—A. From Texas.

Q. Do you know of the existence of a secret political organization in the democratic party?—A. No, sir.

Q. Do you know of the existence of a secret political organization in the republican party among the whites or blacks?—A. I do not know of any but what a man can go into if he sees proper.

Q. If he is a republican?—A. I reckon that is correct. If he is republican he can go in.

Q. It is secret then so far as outside men are concerned—men not belonging to the republican party?—A. Yes, sir.

Q. But it is open to republicans?—A. Yes, sir.

Q. Had Mr. Twitchell's administration of the affairs of the parish been such as to awaken suspicion in the minds of the people of the parish that all was not right?—A. This fraud that is said to have been practiced was practiced before I lived in Coushatta, and I do not know as to what his acts were then. I cannot say. The people have been aroused to it since I have been here, and they have made several efforts to right the wrongs, I believe.

Q. And this movement has been participated in by men of both political parties?—A. Yes, sir.

Q. The movement to get rid of the wrongs brought upon them by the administration of Mr. Twitchell?—A. Yes, sir.

By Mr. WOODBURN :

Q. Do you know what are the objects of the secret political society of colored men?—A. One is to control the elections as much as they can.

Q. Do you know if any white man has ever joined that institution?—A. Yes, sir; I do.

Q. Is Mr. Twitchell a member of the society?—A. Yes, sir.

Q. Do you know how many white men belong to that society?—A. I do not know exactly.

Q. Do you know whether it is an oath-bound society or whether they are sworn when they are initiated to keep the secrets of the society?—A. I believe they are sworn.

Q. Are you a member of it yourself?—A. Yes, sir; we have not had a meeting, though, since 1874.

Q. Then there is no secret political society in existence in this parish now?—A. No, sir.

By Mr. VANCE :

Q. Did you ever make use of this language, or a statement to this effect: that at a meeting at the court-house in 1874, there was a squad of negroes posted in the Wardlaw livery stable in front of the court-house, with instructions to fire into the crowd in the court-house, in case the resignation of the parish officials was that day demanded?—A. No, sir; I never did.

Q. Do you know anything about such an occurrence as that, or such an assemblage of negroes as that, just before the so-called riot here?—A. I do not think there was any freedmen in it. I will state what I remember of it. There were horses saddled in there, and guns loaded, and the officers here, before they would give up their offices, intended to fight, and what few would escape were going to get on their horses and make their way out.

Q. You mean the republican officers?—A. Yes, sir.

Q. You do not know whether there were any freedmen engaged in it?—A. If there were I do not know it. If there have been any freedmen in arms here against the white men I do not know it.

Q. Do you know how many guns were there?—A. Some five or six.

Q. Do you know where those guns came from?—A. I know where one came from; that is the only one I know anything about; that came from Clark Holland's.

Q. Under whose instructions were those officials acting at that time?—A. Under their own instructions, I suppose. They said they would resort to these measures before they would give up their offices.

Q. Who was Clark Holland?—A. He was Mr. Twitchell's brother-in-law, and lives down here three miles from town.

Q. To whom did Judge Broughton give the warrant for the arrest of the assassin of King and Twitchell?—A. I am not positive whether he gave it to me or Mr. Elliott. Mr. Elliott brought it to me if he gave it to him. There was no name on the warrant, as the man was disguised, and no one knew him. I don't know who I was hunting if I had gone outside of town.

COUSHATTA, LA., June 7, 1876.

DUKE H. HAYES sworn and examined.

By Mr. VANCE :

Question. Where do you reside?—Answer. In Coushatta.

Q. How long have you resided here?—A. Since December, 1868.

Q. Are you a native of Louisiana?—A. I am a native of Georgia. I moved to the State of Louisiana in 1860.

Q. Did you witness the shooting of King and Twitchell on the 2d of May last?—A. Yes, sir; I saw the shooting.

Q. State to the committee what you saw.—A. I was standing on the gallery of the warehouse occupied by Mr. Rawle. I had gone in there that morning on some business, and he and I walked out on the front gallery together. While sitting there we saw a boat coming across the river, and I said to Major Rawle, "Is not that Captain Twitchell and Mr. King coming across?" He said, "I think it is." While we were talking about it, a man came riding down the road from up-town, passed in front of the warehouse, having his face turned toward the river. I noticed that he had goggles on his eyes. His face presented a darkish appearance; I do not know whether it was painted or not. He rode by some twenty or thirty steps, stopped his horse, looked around, and turned to some pickets near the house of Dr. Guthrie and hitched his horse, and then turned and walked toward the river bank that goes down to the steamboat landing. There was some conversation between Major Rawle and myself. I said, "Who was that?" Major Rawle said, "I don't know;" that he was a stranger, and seemed to be hiding his gun. He was walking with his gun in his left hand, with the barrel up and down his leg on the side from the river. He got to the landing, passed on between the wood-pile there and the bank of the river. In the mean time the boat had approached so that the bank hid it from our view. When the man stopped, I saw him

raise his gun and shoot. I did not count the number of shots. There was some firing from the direction of the boat. I could hear the report and see the smoke rise. I do not know how many shots were fired. I was under the impression that there were two or three, though there might have been but one; I cannot say. Then this man would change his position. I suppose he was getting a better view of his object. He continued to shoot some time. He then walked back to his horse rather hurriedly, got on it, started and rode back toward the river landing a little below where he had been shooting, with a revolver in his right hand, and his gun in his hand also. After he got back to the river bank he fired several shots from his pistol. He then turned and rode down the street between Lisso's store and the warehouse, which placed him out of my sight; and I don't know of my own personal knowledge, I only heard, that he passed out and across the Bayou Nicholas.

Q. Did you recognize the man or the horse?—A. I did not. The horse was a peculiar color. I have no knowledge of ever having seen such a horse.

Q. Have you an extensive acquaintance with the people of Coushatta and Red River Parish?—A. Yes, sir; my acquaintance is quite extensive.

Q. You saw nothing about this man that would lead you to even suspect who he was?—A. Nothing at all.

Q. Have you heard anything since that time in regard to who he was that would aid us in our inquiry?—A. I have not.

Q. Do you know of any movements that were made by the people of the town, after the shooting, to follow and arrest the murderer?—A. I know that the deputy sheriff, with several persons, went out. My son was in the posse, and was gone all day and returned late in the evening.

Q. Do you know how far they went?—A. Some ten or twelve miles in the country, my son told me.

Q. Was the pursuit joined in by men of both political parties?—A. My understanding was that there were only three or four with the deputy sheriff—my son, Mr. Joe Stoddard, and I disremember the other one.

Q. Do you know whether offers were made by citizens of all parties here to follow the assassin?—A. There were none made in my presence. Several gentlemen said they were willing to go at a moment's warning.

Q. Do you know whether the citizens, without respect to party, went across the river and rendered assistance to the wounded men?—A. They did.

Q. To what political party are you attached?—A. I can't say I am attached to either.

Q. What ticket do you vote?—A. I have not voted the general ticket for the last four years.

Q. You do not know, then, whether you are a republican or a democrat?—A. No, sir. I was raised an old-line whig, and am opposed to some of the members of both parties.

Q. Did you go with the republican party in the last campaign?—A. I did not.

Q. Did you vote with the democratic party in the last campaign?—A. I did not. I did not vote in the last campaign.

Q. In the last campaign that you acted with any party, which party was it?—A. It was a mixed ticket.

Q. For whom did you vote for governor in 1872?—A. I did not vote for either one.

Q. For whom did you vote for President at the last election?—A. I did not vote.

Q. From your knowledge of the people in this parish and their sentiments, can a man come here from any section of the country and act with the republican party without fear of personal violence, in your opinion?—A. If he will come fully with the principles of the republican party, with all the—if he will act as other republicans have done, the people would be very much prejudiced against him.

Q. What do you mean by acting as other republicans have done?—A. In having secret meetings, club meetings, and using strenuous means to control the elections at the different elections.

Q. Suppose that this man should come here and act openly and above-board, as a good citizen, with the republican party, what would be the effect?—A. I believe he would be respected by the citizens here.

Q. Would he be in danger if he should act in that manner?—A. I do not believe he would.

Q. Should he proclaim his principles from the stump, or anywhere else, in an open and bold manner, and conscientiously, do you think he would be in danger?—A. I think the citizens here would be prejudiced to some extent.

Q. Would they interfere?—A. I do not know that they would.

Q. Do you think they would?—A. I cannot venture an opinion on that. I do not know.

Q. Have you ever known them to interfere with anybody?—A. I have not, for their political views.

By Mr. WOODBURN:

Q. When you say that a republican can come here and become an active man or leader of the republican party, the democrats would be prejudiced against him to some extent, what do you mean; that he could not exercise the right of suffrage?—A. No, sir. I believe he

could exercise the rights of suffrage. The feelings of the people would be prejudiced against him.

Q. Would there be any more prejudice against members of the republican party in this country than in any other place?—A. I do not think there would.

Q. Democrats don't like republicans, generally, and republicans don't like democrats, as far as politics are concerned?—A. Yes, sir.

Q. But socially and otherwise, how would the feeling be? Would not a man be respected and his property secure?—A. Yes, sir; I think so.

Q. Then the prejudice that would exist here in the minds of the people against a man who would openly proclaim his republican principles and announce them from the stump would be one that is inherent in the breasts of men of all parties?—A. That is the idea I wish to convey.

By Mr. VANCE :

Q. Do you know of the existence of a secret political organization in the republican party?—A. I do not.

Q. Did you ever take an oath in an organization within the republican party?—A. In 1874 I joined the republican alliance. It was the only time I was ever there. I was satisfied, after going there, that it was no place for me, and I have never been in any organization of the kind since.

Q. Do I understand you to say that at that time you took an obligation or oath?—A. Yes, sir; there was an obligation attached to it.

Q. That was an organization within the republican party?—A. Yes, sir.

Q. Have you heretofore made speeches for the republican party?—A. I have not.

By Mr. WOODBURN :

Q. To what do you attribute the shooting of Mr. Twitchell? What is the opinion among the people and what is your own opinion?—A. From my own personal knowledge, I do not know. I have my opinion.

Q. I am asking your opinion and the opinion of others.—A. The appearance of this man, his determination, and the bold, daring manner in which he acted, showed to me that he was avenging some personal injury that he had received. That was the feeling I had.

Q. As far as you have conversed with other citizens, regardless of politics, has that been their opinion?—A. That has been their opinion frequently expressed to me.

COUSHATTA, LA., June 7, 1876.

R. S. JONES sworn and examined.

By Mr. VANCE :

Question. Where do you reside?—Answer. In the lower edge of Red River Parish.

Q. How far from Coushatta?—A. Between eleven and thirteen miles.

Q. Are you a tax-payer and land-owner in this parish?—A. Yes, sir.

Q. To whom did you pay your taxes last year?—A. To Mr. Harrison, the deputy tax-collector.

Q. In what manner did you pay your taxes?—A. Some in cash and some by sight-draft.

Q. To whom did you make the sight-draft payable?—A. To M. H. Twitchell or order.

Q. Was Captain Twitchell the tax-collector of the parish at that time?—A. I don't know.

Q. When did you pay your taxes?—A. In June, 1875, I think.

Q. What was the amount paid by draft, if you remember?—A. I gave two drafts. One was for \$600 or \$700 and one was only for \$200.

By Mr. WOODBURN :

Q. How long have you lived in this parish?—A. Since it was a parish.

Q. The parish was organized, I believe, through the instrumentality of Mr. Twitchell?—A. Yes, sir; and I helped do it, too.

Q. The citizens generally were in favor of the organization of this parish?—A. They were, down in my section. We all signed the petition.

Q. Are you acquainted generally in this parish with the people?—A. I am acquainted here less than I have been since I have moved.

Q. Consequently you cannot speak of the sentiments and political feelings of the people here?—A. I do not know them.

Q. What is your opinion on this question: If a republican came here, for instance, and settled, and behaved himself as a good citizen, would any danger occur to him, either in person or property, by reason of his republicanism?—A. No gentleman need to fear anything.

Q. The republicans that come and settle here and act as good citizens need have no fear?—A. No, sir.

Q. Do you know Mr. Twitchell personally?—A. I do.

Q. Have you ever heard any complaints made by citizens and tax-payers against Mr.

Twitchell in reference to his management of the affairs of this parish?—A. O, yes. You can hear some people complain of the Lord's Prayer.

Q. Did you ever hear any complaints against his administration of affairs?—A. I don't know. Our taxes have been large, though we have paid them.

Q. Did you not think it was somewhat strange that you should make this check payable on sight to Mr. Twitchell for your taxes?—A. So I got the receipt I did not care. I have no politics no way.

Q. Suppose it transpired that Mr. Twitchell was not the tax-collector, and you should have to pay it again.—A. I have the deputy's receipt.

Q. How did he sign the receipt?—A. As deputy.

Q. Was the name of the principal deputy to it?—A. Mr. King's name was to it.

Q. But you drew the check in favor of Mr. Twitchell?—A. I did.

Q. What was your idea of the disposition that would be made of the funds that would be received on presentation of the check?—A. My idea was that it was all right, so that the money was paid and I got the receipt.

Q. You did not care what became of the money?—A. O, no, no.

By Mr. VANCE:

Q. You wanted to pay the tax and get the receipt?—A. I have paid them all the time. I came here to-day to pay them again. I am not behindhand in that matter.

COUSHATTA, LA., June 7, 1876.

Z. T. WESTER sworn and examined.

By Mr. VANCE:

Question. Where do you reside, and what is your occupation?—Answer. I reside ten miles from this place. I own a small plantation there. My occupation for the last four or five years has been teaching school. At present I am clerk of the court.

Q. Consequently you reside in town at present?—A. I am here every day, but I live three miles out of town.

Q. Are you acquainted with the facts in the case of the shooting that occurred here on the 2d of May last?—A. I was here.

Q. Did you see the stranger who did the shooting?—A. I did not. I was in the courthouse at the time, but did not hear a shot fired. I did not know anything about it until after the firing was over. The excitement was what first caused me to know anything about it.

Q. Have you any means of knowing who it was that did the shooting?—A. No, sir; I have not.

Q. Or what occasioned the shooting?—A. I do not really know what occasioned it. I supposed that it was some party prejudice against Mr. Twitchell.

Q. Prejudice from what cause?—A. Simply because he was a republican and was conducting the parish matters, I suppose.

Q. Conducting the parish matters in what way?—A. Well, in regard to the parish funds, generally.

Q. Had he been conducting the parish matters for some time?—A. I think so; ever since the formation of the parish, as well as I remember.

Q. He had control of them?—A. In a great measure, yes, sir.

Q. How had he conducted the affairs of the parish—economically or otherwise?—A. I really thought it was economically.

Q. Are you acquainted with all the circumstances connected with the parish affairs?—A. No, sir; not to say familiar with them. I knew something about the administration of affairs.

Q. Did you know whether Mr. Twitchell had any enemies other than political enemies?—A. If he has, I know nothing of them. He is a man that I never knew to have any personal difficulty at all.

Q. Is your office an elective one?—A. Yes, sir.

Q. In what year were you elected?—A. I was not elected at all; I got my office by appointment. My predecessor, Mr. Himes, was elected, but he died last December, I believe, and I was appointed to fill the unexpired term.

Q. Upon whose recommendation were you appointed?—A. Really, I was not recommended at all. The first I knew of it the commission came to me; if there was any recommendation I knew nothing about it.

Q. Did you receive any letter from Captain Twitchell stating that he had secured your appointment, and requesting you to appoint a certain man your deputy?—A. I received a letter from him asking me, if I needed a deputy, to take a certain man; but he did not say anything about having secured my appointment at all.

Q. You do not know upon whose recommendation you were appointed?—A. No, sir.

Q. It came to you without solicitation?—A. Yes, sir.

Q. Did you not tell Judge Broughton and Mr. Pierson in this court-house that Mr. Twitchell secured your appointment, but that he could not run the clerk's office as he had run other offices?—A. I do not really know what I said about Mr. Twitchell securing my office, but I said that neither Twitchell nor anybody else would control my office.

Q. Did you not say to those gentlemen that he had secured you the office?—A. I could not answer that strictly. I do not think I did.

By Mr. WOODBURN :

Q. From whom did you receive your appointment—the governor of the State?—A. Yes, sir.

Q. Are you personally acquainted with him?—A. I have some acquaintance with him.

Q. You never made application to him for your office?—A. No, sir.

Q. It must have been on the suggestion or recommendation of some person that you received your appointment?—A. I thought that it was on account of Mr. Twitchell.

Q. Mr. Twitchell was then State senator, was he not?—A. He was.

Q. Were the appointments generally made by the governor upon the recommendation of the State senator?—A. Yes, sir; the State senator or district judge.

Q. Do you know whether there is any prejudice on the part of the people of this parish against Mr. Twitchell for any other cause than that he is an active member of the republican party?—A. I know of nothing else.

Q. Have you heard any complaints on the part of anybody against him on account of his management of the affairs of this parish?—A. Yes, sir; I have heard them often.

Q. Would not these same complaints have been made against a democrat under the same circumstances if he had the same power and same control over the affairs of this parish that Mr. Twitchell exercised?—A. They might; yes, sir.

Q. Is it probable, in your judgment, that complaints would be made against a democrat under the same circumstances?—A. I presume so.

Q. Then you cannot attribute the shooting of Mr. Twitchell exclusively to the fact that he was a republican?—A. I really think so. I thought it was because he was a republican and had the management of affairs.

Q. Both causes combined?—A. Yes, sir.

Q. Do you know of any well-founded complaints ever having been made against Mr. Twitchell?—A. No, sir; I do not know of a prosecution that they have ever sustained against him.

Q. Is he under indictment now?—A. I think so.

Q. Do you know for what?—A. Embezzlement of the public funds.

Q. How much money?—A. Twenty thousand dollars.

Q. Do you know anything about the circumstances in relation to the matter?—A. Personally I know nothing.

Q. Is there a grand jury here?—A. Yes, sir.

Q. That found the bill?—A. Yes, sir.

Q. Do you know what the character of the testimony before the grand jury was?—A. I rather think it was this: that the taxes were collected and turned over to M. H. Twitchell, because he was security for the tax-collector.

Q. As a matter of law, do you believe he was the proper officer to whom the taxes should be paid, even if he were the surety of the tax-collector?—A. Well, had I been tax-collector, I do not think I should have turned the taxes over to him.

Q. You would not allow him to interfere with that office any more than with the office you now hold?—A. No, sir.

Q. What became of the money after he had the handling of it?—A. I presume it was all properly accounted for.

Q. It ought to be paid into the parish treasury, ought it not?—A. My understanding is that it is deposited with the State treasurer.

Q. Do you know whether the State ever received its portion of the taxes?—A. I think so.

Q. Did the parish?—A. I think so, up to the last settlement.

Q. If that be the case, how could the grand jury find an indictment?—A. I have no idea that they will sustain this indictment. I think it is a prejudice that some parties have.

Q. Some persons must have testified against him.—A. That may be very true. There are a great many things testified to that they cannot show up.

Q. Do you know whether any complaints have ever been made against Mr. Twitchell, for the reason that he has held other offices than that of State senator?—A. The greatest complaint I hear against Mr. Twitchell is that he came down here with a pretty large family, and he always brought a man down here to fill every office pretty near.

Q. Men generally make complaints against a man of that kind, no matter what party he belongs to?—A. Yes, sir.

Q. That is human nature?—A. Yes, sir. Had he been liberal in giving out appointments that the people are justly entitled to, I do not believe there would have been so much complaint.

By Mr. VANCE :

Q. In 1874, did you guide an officer in charge of United States cavalry, at night, to arrest various parties ?—A. I did.

Q. Did you guide them to the house of P. H. Collins, living about ten or fifteen miles from here ?—A. I did. It was about ten o'clock at night.

Q. You spoke of the indictment against Mr. Twitchell; that, of course, was found by the grand jury ?—A. Yes, sir.

Q. Was that grand jury composed of citizens of this parish ?—A. Yes, sir.

Q. How many whites were on the grand jury ?—A. I suppose there were five or six.

Q. How many negroes ?—A. The same number. I believe the jury was composed of sixteen. I suppose there were as many as five or six white, and the balance colored.

Q. Have you ever been molested on account of your political sentiment in this parish ?—A. I have been threatened by various parties.

Q. Will you name them ?—A. I suppose I can. I was waited on once by a committee of ten men.

Q. Do you know them ?—A. I do.

Q. Who were they ?—A. They were citizens of Bienville. I was teaching school there at that time.

Q. I am speaking of this parish.—A. I have had some ups and downs, and a good many of them, in this parish; but then I do not believe that I was ever molested in this parish, anything more than threats, ostracism, and all that sort of thing.

Q. Do you belong to the republican party ?—A. I do.

Q. Have you ever joined any secret organization or association in said party ?—A. I affiliated with that party.

Q. Are you a member of a secret political organization ?—A. No, sir; not in this parish.

Q. Have you been attached to any secret political organization in the republican party in times gone by ?—A. Not in this parish.

Q. Anywhere ?—A. Yes, sir.

Q. After this shooting on the 2d of May were you at Mr. Cawthon's stable or near there ?—A. Yes, sir; I was there a time or two.

Q. Did you make a remark to the effect, after learning that democrats had agreed to follow this man and arrest him, that the man who had been killed was a republican, and that republicans would arrest the assassin ?—A. I do not really know whether I spoke in that manner or not; but I said if the sheriff would go with me I could take another man and arrest the party, and I yet believe that I could have done it.

Q. Why did the sheriff not go with you ?—A. I had just about as much as I could attend to at that time, and he seemed to be a little intimidated himself. I really thought it was his duty to go.

Q. Do I understand you to say that you did not make the remark that I have repeated, or the substance of it—that it was a republican who had been killed, and that republicans could arrest the assassin ?—A. I do not think I made the remark.

COUSHATTA, LA., June 7, 1876.

B. W. MARSTON sworn and examined.

By Mr. VANCE :

Question. Where do you reside ?—Answer. In Red River Parish, about twelve miles above Coushatta.

Q. How long have you resided in this parish ?—A. Ever since the close of the war. I am a native of this State. My father owned a plantation here, and I settled on it after the war.

Q. Are you acquainted generally with the people of Red River Parish ?—A. I think I know nearly every white man in the parish, and I think at one time I knew nearly every negro.

Q. What is your opinion as to the personal safety of a republican, whether he be from the North or the South, who comes into this section for the purpose of making it his home ?—A. I think a gentlemanly republican is as safe and as much respected in this country as any man.

Q. Suppose that he should desire to exercise the rights of a citizen, take an active part in politics, and make republican speeches for the purpose of influencing men to vote the republican ticket, what is your opinion if he should do that ?—A. My opinion is, if he should do that in a gentlemanly, upright manner, there would be no objection to it; that he would be met in open and fair discussion. The men who have conducted the radical affairs in this parish—I say radical, because I do not consider that there has been any such thing as republicanism in this parish; I make a distinction between radicalism and republicanism—these men have conducted their campaigns heretofore, with the exception, probably, of the

campaign of 1874, just as they pleased. They have organized their battalions, and have gone through the country with guns in their hands. We have not had much to do with them, but we have some of them in almost every nook and corner, and I have heard most incendiary speeches made by them with no interruptions.

Q. Are you familiar with the workings of the democratic party in the parish of Red River?—A. I think I am perfectly familiar with them since 1872. Before that I was quite young and unacquainted with the parish, and took no part in politics; but since then I think I am fully acquainted with every movement that has been made.

Q. Do you know whether there is now, or has been in the past, an organization in this parish known as the White League?—A. There never has been any organization in the parish of Red River known as the White League, nor any other secret organization among the people of this country, since the year of the first presidential election of General Grant, I think; that was 1868. At that time there was an organization here somewhat on the order of the White League.

Q. Was this League you speak of disbanded after the presidential election, 1868?—A. I do not think it had any effect; it did not take with the people at all, I think, and I never heard anything more at all of it after 1868. I know I was appealed to at that time, as being one of the respectable white men who was not in it and opposed it, and upon the persuasion of some of my most intimate friends I agreed to join it. It was an organization more for self-protection than anything else.

Q. Since that time, and especially during the year of 1872, and from that time to this, has there been any organization of the White League or any secret society in the ranks of the democratic party?—A. No, sir; not to my knowledge.

Q. If such a league had existed among the democracy of this parish, is it probable that you would have been acquainted with it?—A. I know I would, because the thing was discussed among us, and thoroughly digested, and we agreed to have nothing to do with any man who belonged to a secret organization, and that everything we would do in politics should be open and above-board.

Q. Has everything relative to the management of the party been open and above-board?—A. Yes, sir; without any concealment whatever.

Q. Do you know of the existence of leagues or other secret organizations, within the ranks of the republican party here?—A. I do.

Q. What is the nature of those organizations?—A. I cannot say that I know the exact nature of these organizations, as I never belonged to one of them, but, judging from the statements of parties who have, I suppose there has been a Laborers' League organized, I think, by John T. Yates. I think he organized a league in opposition to Mr. Twitchell. They became political enemies, and undertook to run against each other in the campaign of 1874.

Q. You mean personal enemies?—A. Personal and political. They both belonged to the same political party, but they denounced each other for every conceivable crime almost. As to the secret political organization organized in this parish by Twitchell, I have had some experience. It is this: shortly after his return from New Orleans, after the adjournment of the senate, he became conspicuous in the organization.

Q. To what year do you refer? A. I refer to 1874. He came up into my neighborhood, and I understood, from some of my hands, that there was to be a meeting over the river, and that Captain Twitchell and many citizens of Coushatta would be there. It was something new to me, and I concluded I would go across the river to a negro church which is opposite my place and a short distance above my residence. I went over, and no white man was present except Captain Twitchell and Judge Penny, one of my neighbors there, and Mr. Beaird and myself. I went in and took a seat, and it seemed to create some little feeling. I do not know exactly how to describe it, but they were rather surprised to see me. I took a seat and listened to the proceedings for some time. Captain Twitchell was making I thought, a very embarrassed speech, and excused himself very frequently as not being accustomed to speechifying. Finally he closed, and a colored man from this place, one of his strikers, I presume, Andy Bosly, got up, and made a flaming speech recommending Captain Twitchell in the strongest terms. I would preface this by stating that Yates had been stumping the parish against Twitchell, and had been denouncing him in the most severe terms imaginable. The white people, so far as I know, were very much opposed to Captain Yates. I recollect particularly that I expressed myself, at the time, that I would rather have the devil preside over this country. That was my feeling. I felt rather favorable toward Captain Twitchell from the fact that I thought from the conversation I had had with him that he had concluded to reform. The object of my going to the meeting was to see what he intended to do. After explaining himself at some length—and I thought many of his remarks were directed to me—I asked him several questions after he had explained the object of his meeting, which was to organize the republican alliance. Of course, I supposed that they would organize throughout the State. It was a secret organization, and, as near as I could understand from him at the time, any one that would join it would receive the protection of republicans; they were not compelled to vote the republican ticket, but they had to swear that if they voted any ticket at all they would vote that ticket. I asked him, "Is it possible that you propose to organize a secret society among these people?" He said, "Yes." I asked him some other questions, and, among other things, I recollect distinctly that I told him

that such a thing as that was calculated to undermine society and bring about a source of trouble here, to which there would be no end. About that time he seemed to be in somewhat of a hurry to proceed with his business. He stated that all those who did not intend to join would please retire, as their operations then would be secret. I retired. I asked some of my hands on their return what was done, and they told me he had sworn them in, and they said he had sworn them to vote the republican ticket if they voted at all.

Q. I understand you to say, then, that there were two organizations in the parish at that time within the same political party?—A. Yes, sir.

Q. One was organized by Captain Yates, and the other by Captain Twitchell?—A. Yes, sir; Captain Yates announcing himself positively as a candidate for the State senate against Captain Twitchell; Captain Twitchell not announcing himself for any office in particular, except delegate to the convention.

Q. Give as briefly and as plainly as you can a history of Red River Parish. I mean by that, a history of its management.—A. I will give what I know about it. I shall have to go back to my first experience connected with it. The parish was organized in 1871, I believe. I took no part in its organization whatever, because, as I said a while ago, I was young and not well acquainted. How things were managed in 1871 I do not know, as I had moved from this parish, but at that time the people, as a rule, were very much in favor of the new parish. The new parish was organized out of the corners of five adjoining parishes. We are the center, now, of the ends of five original parishes, viz: Natchitoches, Bienville, De Soto, Caddo, and Bossier. The vote to organize this parish was only submitted, I think, to the parishes of Caddo and Natchitoches, though I am not positive about that. I was told, as a reason for that, that the representatives from these other parishes were opposed to it. The first election that came off was in 1872. I took some part in that election, but the white people, or the democrats here did not suppose that they could carry any election. There was no amount of enthusiasm among them. They did not seem to take any interest in public affairs, and consequently it went largely republican. At the ballot-box, which was on the place adjoining mine, and which was presided over by Judge Penny, H. T. Jones, and I think Mr. Johnson, Captain Yates was there as United States marshal, and representing himself as such; and he had gathered together—I did not count them, but I presume there were one hundred negroes, whom he armed with shot-guns, pistols, and every conceivable thing they could bring—and they were all around that poll with their arms. I arrived at 6 o'clock in the morning, the only white man on the ground, and I saw the state of affairs going on. They were voting, one behind another, just like sheep, as fast as they could get in tickets. No one else could go to the polls at all. I felt very much incensed at the appearance of things, and, as a few of our white people came in, I called their attention to the state of affairs. It took us all by surprise. I entered a protest against it, but it was never heard from. We polled that day, I think, 16 white votes in that ward, and they polled some 300 colored votes. At the polls there was a great deal of intimidation used, which was altogether unnecessary, because there was no effort on the part of the white people at all, hardly, to do anything, except to cast their votes. I think it was all bombast on the part of Yates. The negroes were very threatening in their bearing, and finally, in the evening, they arrested one of our first citizens, for the alleged offense of selling a bottle of whisky several miles from the polls. That was the first occasion that raised any bitterness between the two races, as it were. They elected all their officers and inaugurated them, and in my judgment inaugurated a reign of terror.³ They proposed tax sales; they pushed people for their taxes before they could raise money to pay for them. In one particular instance that I know of one of the most estimable gentlemen in our neighborhood was made nearly crazy in regard to his taxes and I loaned him money to pay his taxes. There was a republican at that time, Mr. Johnson, living neighbor to me, who told me that I was on the black list, and if I did not go down that day and settle my taxes I would be advertised. The advertising, recorder's, and printer's fees amounted to considerable outside of the taxes. So I came down to see to it. They told me it was so, but that I could get rid of it by paying the printer's, recorder's, and some other fees, which I did. I looked upon that as a kind of black-mailing arrangement for the benefit of the printers, recorders, and other parties interested; and I know it was. I would state, furthermore, in connection with affairs that there was an immense amount of suffering among our people about that time, particularly in the upper portion of our parish. The river had swept everything off the face of the earth—I mean all our crops. The assessment of 1873 came on, and the people had commenced to open their eyes. So we called a mass-meeting here for the purpose of waiting upon the board of assessors, which board is composed of the recorder, sheriff, and clerk. They assessed the property, and whatever value they assessed it we had to pay our taxes upon. We waited upon them in committee, and several gentlemen present (I was one of the committee) wanted to know what this thing meant. The recorder at that time was Mr. Peck, a negro, who is still the recorder. The clerk was Mr. Proudhomme, and the sheriff was Mr. John T. Yates, who seems to have managed the whole thing. Mr. Yates and I were not on any kind of personal terms, and I spoke to him to know what this thing meant and told him that I thought it was a barbarous assessment, if I recollect my words. He said he did not think so; he said he thought the property was worth \$40 an acre for the cultivatable land, and \$5 an acre for all the waste and swamp and back land. I told him that I had positive information that in

the parish of Caddo they were assessing the cultivatable land at \$15, and the back land at \$1; and in Natchitoches, out of which a portion of this parish was taken, they were assessing the cultivatable land at \$5 an acre, and swamp land at 50 cents; and that I thought our assessment ought to be *pro rata* with those parishes. They treated our remonstrance with contempt, and gave their reasons for differing with us in opinion, that we had so much more labor here, and were so much better organized, and had so much better laws, and many other ridiculous reasons; and we could do nothing with them. We then came into public meeting in this room, and requested Captain Yates to address the meeting. He consented. I will state, though, that in the mean time I had a private interview with Mr. Himes, with whom I had been a personal friend before. I said, "What does this taxation mean? Such an assessment means confiscation of the land in the parish." He said, "I cannot do anything about it; Yates has managed the whole thing and he is doing it all." Those were his words. Captain Yates addressed this meeting and said that he was a friend of these people and was willing to do anything in the world for them, and he would prove to them that if we should bring the official assessment of these parishes he would guarantee that they would work until 12 o'clock at night on the last day for making assessments in order to place our assessment *pro rata* with those parishes—this after positively refusing the request of the committee, which they had politely made only a few moments before. We received that assurance in good faith, and Mr. Tally Brown was sent to Natchitoches to get the official assessment, and I was sent to Shreveport. We were back here at the appointed time with the required information from the recorder, clerk, and sheriff of the parish of Caddo as to what the assessment was. It was somewhere in the neighborhood of that stated. In Natchitoches I am positive it was \$5 an acre for the front lands, and 50 cents for the back. They then refused to make the change, and left the assessment of 1873 at \$40 an acre for the cultivatable land and \$5 for the swamp. I will state that lands in Red River Parish were assessed in 1873 at \$40 an acre, on which a tax was levied of $21\frac{1}{2}$ mills for the State and $21\frac{1}{2}$ mills for the parish, or \$1.72 taxes on every acre of open land. Natchitoches Parish, adjoining Red River, assessed the same character of lands at \$5 an acre. Valuing our lands at that rate, (which was more than they would bring at sheriff sale,) and paying \$1.72 per acre taxes on land only worth \$5, would make over $33\frac{1}{3}$ per cent. taxes on the property taxed. When Captain Twitchell returned I told him about this assessment; that it would ruin these people; that they could not pay their taxes; was there no way in the world to have it remedied? I talked as fair as a man could talk. He said if we would draw up a petition and get the respectable citizens of the parish to sign it he would take it himself before the legislature and see what he could do with it. At that time I supposed he could do almost anything in the legislature that he chose. We drew up the petition; got it signed by some of the prominent citizens of the parish, and I handed it to him myself. He promised to do anything and everything. At that time I was editing a paper here, and in several local items I encouraged this matter and stated that Captain Twitchell would deserve the eternal gratitude of the people of this parish if he did rid us of this assessment. Nothing was done. When he returned I interviewed him again and asked him why nothing was done in the legislature. He stated that in the multiplicity of duties that the legislature had to perform it could not be reached at all, and nothing could be done about it. People complained, and I complained most severely. He was rather flurried on the subject and stated that in talking to as intelligent a man as myself I ought to understand that he was not the senate of the State, nor the legislature, and could not manage this matter at all. A great many people paid this excessive tax, but others did not. The campaign of 1874 opened. The principal issue before the people in that campaign was the condemnation of that assessment. Meantime the cotton-worm had destroyed the crop again. The people were very much impoverished. I remember speaking on one occasion to Captain Twitchell and telling him I believed this country was suffering more to-day than it ever had since it had been a country; that I did not believe half of the people in this parish had had a cup of coffee for six months. I know it was very hard with me and every one I could hear from to get along. He said yes, that these things were hard; that when he came to this country himself he was very poor; that his wife would sometimes complain about their hard fare, when living in Bienville, and that he had told her a better day would come; that subsequently he did get \$500 from home, and that relieved him; and that people could outlive this thing. Well, during this campaign of 1874 the people did not know what to do. They did not have any confidence that they could accomplish anything. Our own people were very much divided among themselves, and after deliberation and consultation we agreed to try and organize two parties in this parish. Here were two classes of people interested in it, the blacks and whites, and we thought if they could not come to any amicable terms upon the government of their own affairs it was a bad case. I was rather enthusiastic myself that it could be done; and with the assurance of my own hands that they would all go into it if the white people would offer to them protection and guarantee them their rights and privileges under the reconstruction acts of Congress; we went to work and stumped the parish on that issue, the blacks on one side and the whites on the other side. It was a failure. In the mean time the riot broke out. At that time I was absent at the Baton Rouge convention. When I returned here there was an immense amount of excitement, and the news of the killing of Mr. Twitchell's friends had been received. Shortly after that Captain Twitchell arrived here with some infantry and made a compromise with us. The people met him here. The

compromise was to the effect that no arrests of the people at large would be made. He said it was due to himself as an honorable man that the murderers of his relations should be arrested, to which no one objected. He went back on that subsequently and the United States cavalry arrested our people irrespective of age; they arrested old and young and incarcerated them here about eighteen days previous to the election. I had been very active through the whole campaign. I myself was not arrested. I was a candidate for the legislature. I saw the ballots counted in this court-house that evening. I remained here until late that night. A few days afterward, when I arrived in town, I was arrested on a warrant dating back to the time that the others were arrested, for what purpose I have never known, unless it was to hush me up, supposing that I would contest Dewees's seat in the legislature. Our box, that went democratic largely above here, was thrown out on the ground of intimidation. I was present at that box during the early part of that day, and I know there was no intimidation there that day. We went ninety-odd democratic. To the contrary, all the citizens assured every negro that arrived at the polls that he should vote as he pleased. A notable instance was that Mr. Stringfellow said publicly, "I want it understood that every one of these men votes just exactly as he pleases."

I am a little too fast about our tax. Many people here did not pay their tax on account of the riot of 1874. After the tax-collector was killed no taxes were paid worth mentioning. The next spring my father-in-law, a lawyer in Natchitoches, told me that he could get our tax reduced—he also owns a place in this parish—by making out an application and stating the exorbitant assessment. I told him not to include my name; that if he did it would spoil the whole thing; that they would not do anything for me, but to go ahead if he could, and if he succeeded that would give us a precedent. He went to work and reduced the tax to one-third through the auditor. He got them down *pro rota* with the adjoining parishes. I had in the mean time no confidence whatever that he would get this thing through. We had been working at it for two or three years, but had not accomplished anything. I got a draft for the tax I was owing, somewhere in the neighborhood of \$700 or \$800, I think, but I immediately stopped payment of the draft by telegraph when I learned that my father-in-law had succeeded in making the arrangement with the auditor. The great bulk of these people, however, paid that enormous tax for the assessment of 1873. In regard to the assessment of 1874, we again met in special committee and waited upon the assessors, and they came to our terms without any trouble; they then assessed us reasonably, which they have kept up to the present time. There has been no political organization in the parish since. People have been very hard at work and have not had time to attend to anything of the kind. This recent shooting has been the only excitement in the parish since.

Q. Is there an organization here called the Property Holders and Laborer's Union?—A. Yes, sir.

Q. What is the nature of that organization?—A. The nature of that organization is non-political. It originated first in a call for a public meeting here for some purpose with which I was not familiar at the time. The idea, I think, was to see if they could not get a competent tax-collector, supposing that King had resigned. The business of the parish was very much complicated and unsettled. The public meeting resolved itself into a Property Holders and Laborers' Union, for the purpose of trying to bring some order out of the chaos that existed here. All the blacks and whites of the parish who held property here were invited to join it.

Q. Did you make application for the appointment of any particular person as tax-collector?—A. A motion was made and carried in one of the meetings that if a colored man by the name of Ben. Perrow should be appointed tax-collector it would be satisfactory to this people. That motion was carried unanimously, and this recommendation was forwarded to the governor. Ben. Perrow was a member of the police jury and had proved himself conservative and disposed to do what was right.

Q. Do you have in that Property Holders and Laborers' Union men of both political parties?—A. Yes, sir; there are white men in it of both political parties, and a considerable number of negroes, but they take very little interest in it.

Q. You have spoken of the officers of this parish; what proportion of them were from abroad, if any of them?—A. During those times the original officers of this parish were nearly all strangers. Since that there have been some that were *bona-fide* citizens. Judge Penny, for instance, who was a citizen of Ohio, and had located here before the war; he went into the republican ranks and was made parish judge. Since that Judge Broughton has been made parish judge. With that exception I think all the principal officers of the parish have been strangers from abroad. Mr. Wester has recently been made clerk of the court. He is an old citizen, born and reared here, I think. All the paying offices of the parish have been held by strangers from abroad, who have been put in, I suppose, through the influence of Mr. Twitchell.

Q. Who has had control of the affairs in your parish upon the republican side, since its organization?—A. I think Mr. Twitchell has had as much control of the affairs of the parish as I imagine the Khedive of Egypt has of Egypt.

Q. You stated, some time since, that Mr. Twitchell promised to present your petition to the legislature and endeavor to have this assessment reduced. Do you know whether that petition was presented to the legislature; and, if presented, whether it was pushed?—A. I

do not think it was ever presented. There was a resolution noticed in the papers that some petition was on file, or some bill would be introduced; but in Mr. Twitchell's own conversation with me he stated that the great public necessities prevented its coming up.

Q. Are you sufficiently familiar with the affairs of your parish to state whether it has been economically managed or not?—A. I think it has been very extravagantly managed—managed in the interests of a ring for spoils, and not for the good of the people. That is my private opinion. I cannot prove it, but all I know goes to prove it.

Q. Has the bitter feeling that has been exhibited here been occasioned by the management of the affairs of the parish in an extravagant and reckless manner?—A. I think nothing else has caused the bitter feeling. There is one thing I have neglected to mention in my testimony. When the campaign of 1874 was opening Mr. Twitchell was in my neighborhood organizing a republican alliance, and called on me at my private residence on his return home, and we had a long conversation on the state of affairs. Among other things I recollect telling him distinctly—Judge Penny was present and heard every word of the conversation—that if he proposed to rule these people with a rod of iron he could not do it; that these were American people, and they would never be made serfs of; that there was a very bitter feeling going on; and that there was a split between him and Yates, and that of the two the people were much more favorable to him; but that, so far as I was concerned, if the issue narrowed down to him and Yates I would support him with all the vigor there was in me. I told him there was no necessity for a political campaign here in 1874; that if he would come to the assistance of these people and guarantee them a reform government, which I made a *sine qua non*, there could be but one ticket run that would amount to anything; that if another ticket was run, not on a reform basis, it would not amount to anything. I told him if he would do this there would be no political excitement. I told him that my planting interests were such that I did not want any excitement. He wanted to know what my propositions were. I told him that for myself I would make this proposition: I wanted him to distinctly understand that what I said I said without consultation with my friends, but I believed they would accept it; but if they did not accept it I wanted him to understand that I would always go with the white people of our country right or wrong, because I would not place my judgment against them; that I was one of them and would share their fate. The proposition was this: that he would guarantee us a reform government, and as a guarantee of that government give the *bona-fide* residents of this parish one-half of all the offices, his party could take the other half, and we would have no political excitement during the campaign of 1874. Judge Penny was present and laughed at the idea as being ridiculous, because they already had everything in their hands—having a majority. Twitchell told me that if I would go in and join the republican party there was no telling what might be in store for me. I had been waited on previously, and afterward was told by Judge Penny that he had been sent by Twitchell; and I told him emphatically I would not join the republican party even to be President of the United States; that that was not my object; that my object was reform, and to avoid a war in this parish, which was approaching. Twitchell remarked, "Well, it is very natural that the minority should wish to be represented." That is all that was done about that proposition.

Q. Do you know whether Mr. Twitchell, during his residence here, has made any personal enemies inside of his own party?—A. I think he has, but I know of none of my own knowledge particularly, except the threats that I have heard Captain Yates use on the stump. At one time he was a warm political and personal friend of Twitchell's.

Q. Do you know anything in regard to the murder of Mr. King, and attempted murder of Captain Twitchell, on the 3d of May last?—A. No, sir. The news of it struck me like a thunderbolt; I was perfectly astonished.

Q. What was the feeling in this section of the country among the whites in regard to that?—A. There was a general feeling of rejoicing. I believe our people rejoiced at it as much as they would at the hanging or killing of any tyrant in the world.

Q. Was there any feeling of political exultation?—A. No, sir; I do not think so, because I do not think it had any political significance.

Q. In your opinion, did politics have anything to do with the murder of King and attempted murder of Twitchell?—A. In my opinion politics had nothing in the world to do with it. I cannot imagine how they could have had, because there are no politics in this country. There has been no campaign opened.

By Mr. WOODBURN:

Q. In whom is the power vested to levy taxes in this parish?—A. The power of assessment is vested in the clerk, recorder, and sheriff. They make their assessments every year.

Q. Have they a right to make such an assessment as they deem proper under the law of Louisiana?—A. Yes, sir; they can assess us at \$500 an acre, if they choose, and we have no recourse.

Q. Who levies the State taxes?—A. They levy both the State and parish tax. They levy the assessment and the taxes are collected. They are a board of assessors.

Q. Have they the power to increase the rate of assessment enacted by the legislature?—A. No, sir. It has been recently enacted that the taxes shall be limited to 14½ mills, and if I understand the law, no parish can levy a greater tax than the State tax for any purpose; though some gentlemen disagree with me.

Q. If that be the law, how can these men do as you have represented they have done?—A. They do it through the assessment. Suppose our property is worth \$10 an acre, and they assess us at \$50.

Q. The objection that you have to this particular board is that they valued the property too high?—A. Yes, sir.

Q. And that was the reason of the large tax?—A. Yes, sir.

Q. How many times has Mr. Twitchell been elected State senator?—A. I think he has been elected twice.

By Mr. VANCE:

Q. This limitation you speak of by the legislature or the constitution, was made in 1874, was it not?—A. I think so.

By Mr. WOODBURN:

Q. Was Mr. Twitchell elected to the State senate?—A. He was declared elected by the returning-board, and afterward compromised with the congressional committee in 1874, in regard to the facts of which I presume you are posted. We claimed that he was defeated by a fair majority, but he was counted in by the returning-board.

Q. He was declared by the returning-board a State senator from this parish; was that the cause of the prejudice on the part of the people against Mr. Twitchell?—A. That is asking a question that I can only answer by giving my individual opinion.

Q. I ask your opinion based upon what you have heard through people of the State?—A. My opinion is that the returning-board perjured itself in order to put him in. The feeling of the people is that he is as much a usurper as Mr. Kellogg.

Q. Was any such feeling exhibited on the part of any republicans of this parish?—A. I think some of the republicans have shown some feeling.

Q. Aside from Mr. Yates?—A. Yes, sir.

Q. Can you name any others?—A. I think that Judge Broughton has not been able to agree with Mr. Twitchell in his ideas in regard to the management of the affairs of the parish.

Q. By reason of his election?—A. I do not know whether that had anything to do with it or not.

Q. Can you name any dishonest practices resorted to by Mr. Twitchell, when he had charge of the parochial affairs here?—A. I cannot name any from my personal knowledge, except from inferences I draw from what I can hear and see on the street every day in regard to affairs in general.

Q. Independently of this extraordinary valuation of property in making the assessment, can you name anything else which would create a bad feeling on the part of the people of this parish toward him?—A. There is an immense amount that I could name, but not so much of my own personal observation, because I have not been among these people particularly. I considered that Captain Twitchell had been a traitor to us in that assessment of 1873. Before that I had tried in every way to reduce Captain Twitchell to reasonable terms, and told him he would be deserving the gratitude of this people if he would do it. Since that I have had no use for him in any way, shape, or form.

Q. Has he fraudulently appropriated any of the public money to his own use; is there any well-authenticated case of that character?—A. I only know from hearsay. I can cite several cases from hearsay that I think cannot be refuted. I know that tax-drafts were made payable to his private order.

Q. Do you know whether he appropriated the money to his own use?—A. No, sir; there was one public-school teacher told me the other day that, when teaching school, he signed a blank receipt for his wages.

Q. What was the teacher's name?—A. Virgil A. Stewart.

Q. How much was inserted in the receipt subsequently?—A. He did not know; but he told me that he believed it had been filled up for \$80, when he only received \$40.

Q. Is Mr. Stewart living in Coushatta?—A. He lives above here, about fifteen miles.

Q. The records of the school-board would not show that fact, would they?—A. I think they ought to.

Q. They are here in Coushatta?—A. I do not know where they are; we have never been able to get them.

Q. Who is custodian of the records of the school-board?—A. I think Twitchell keeps the whole thing. I have omitted to mention another thing in the history of this parish. It now occurs to me and I would like to state it. When I was at the Baton Rouge convention in August, 1874, I met an old friend there from the parish of East Feliciana, who was also a delegate, and who was sheriff at that time of that parish, a man of as high standing as there is in the State. He says, "What kind of a man is that Twitchell you have up there?" I told him. He says, "He tells me he can never get back there again unless he takes troops." I told him that was all balderdash; that he left there without cause, and I did not see what he wanted with troops in that country. In a short time, and before I returned, the riot broke out and there was a considerable of an excitement. I believe the mails were tampered with to some extent. I believe that parties opened the mails when there was no postmaster here, and some of Mr. Twitchell's private correspondence was captured. I saw two letters

—one *bona-fide* letter from Mr. Twitchell. I recognized the handwriting perfectly. The upper part of it was directed to Mr. Edgerton. It read about in these words: "I have seen the governor and United States marshal. As soon as some overt act is committed a marshal will be sent up who will doubtless take troops with him. In case your resignations are demanded, to save your lives, resign."

By Mr. VANCE:

Q. That is the same letter, a copy of which appeared in some of the newspapers a short time ago?—A. Yes, sir; I presume so. I think that is nearly the *verbatim* wording of the letter. Among other letters captured was one from Mr. Brewster, who was then district superintendent of schools up in the northern part of Louisiana, about Monroe. He gave a very severe overhauling to Mr. Twitchell, for shortcomings connected with schools, and refused to receive his reasons for discrepancies in school-moneys. It particularly alluded to the affairs of schools in Bienville, which were controlled by Mr. Twitchell, or by his brother-in-law, or father-in-law; anyhow, the Colemans, of Bienville. It stated that there were irregularities, and that the school-moneys had been made away with. This was from Mr. Brewster, who was also State senator.

Q. Has any intimidation for the last two years been exercised by any members of the democratic party toward any man on account of his republican proclivities, or professing to believe in republican doctrines?—A. I think not.

By Mr. WOODBURN:

Q. When you speak of an incendiary or flaming speech, what do you mean by that? What sort of language did Yates or Twitchell resort to to make it such in your judgment?—A. I cannot quote his language, but I can come very nearly quoting his ideas. Captain Yates, during the campaign of 1872, in the first speech that I heard him make, which was on the Home Plantation immediately above me, and I was sent for to go up there and requested to answer him—almost every syllable of his speech to those ignorant negroes was depicting to them the horrors of slavery that they had just been freed from, advising them to keep their guns clean, and their ammunition ready; that the white people would not do to be trusted; that they would take their liberty away again, and calling to their recollection every matter that was imaginable to inflame them; and finally to organize themselves into military organizations.

Q. To arm themselves?—A. Yes, sir; at the night-meetings they were armed and passed my house at all times of night with their bugles sounding, hooting and hallooing like wild Indians.

Q. If a republican should make a speech before the people of Red River Parish and eulogize the members of the republican party, denounce the doctrines of secession, and should even expatiate upon the horrors of slavery, would the people become prejudiced against him for that cause?—A. I do not think they would, so far as my knowledge goes. I know that I would not. Some of my dearest relatives are republicans.

Q. Would they meet him in social equality, independently of politics, provided he were an industrious, honest citizen?—A. Speaking for myself, I would say, we would receive an honest, good citizen and a genuine republican here with as much *éclat* as any man in the world. Judge Trimble, who held a court here, is a thorough republican, and there is no man better received. I would instance Judge Williamson, who is spoken of as republican candidate for governor in this State. There is no ostracism thrown about him or his family. He professes to have left the democratic ranks and gone into the republican ranks from principle. Judge Penny has always professed to be a republican, and I have never heard any such thing as intimidation of him. I know he is always received at my house as a man, and on perfect equality as a neighbor. The day Mr. Twitchell called on me, I received him as politely as I could have received any man.

Q. Do you know of any democrat being intimidated from going to the polls and casting his vote by reason of any acts on the part of Captain Yates with colored troops around the polls?—A. I know of his having negroes there at the election of 1872, and that alarmed our people, and I think that most of them that were at the ballot-box that day would testify now that they were intimidated.

Q. You did not vote?—A. I did not vote, but the colored people voted.

Q. Has any intimidation been used for the last two years?

The WITNESS. By whom?

Mr. WOODBURN. By either side at the ballot-box.

A. None that I have discovered; none within my knowledge.

Q. If such a thing had occurred you would have known it most likely?—A. I should think so. I would state a notable instance of what might be called intimidation at the polls. On the occasion of this election I speak of, when these armed guards were around the polls with blue cockades and rosettes on to show that they were special deputies, a neighbor of mine, as respectable a gentleman as there is in this community or any other, saw one of his own hands there with a double-barreled shot-gun, on guard, and said to him, "What are you doing here?" The negro replied, "I am attending to my business." I do not know that these are the exact words, but it is the substance. "What are you doing with that

gun?" "Well, sir, Captain Yates told me to bring it here." "Are you going to shoot anybody?" "I do not know." "Would you shoot me?" "If Captain Yates told me to do it, I would."

Q. To what do you attribute the attack on Mr. Twitchell?—A. I have no idea.

Q. Do you attribute it to any political matter?—A. I have thought a great deal about the subject, but I do not know.

Q. Give us your opinion based upon what you have heard in this community from all sources.—A. My best opinion is that the shooting struck this community like a thunder-bolt. They were never more astonished in their lives. I heard of it at sundown, and I could not believe it, though it came straight as an arrow. Said I, "I must go to Coushatta," and I and my friend galloped down here to see whether it was true, and we found it all true. The only thing I can possibly attribute the shooting to is that some man must have held some terrible private grudge against him, and must have thought it necessary to get him out of the way for his own safety. Or it may have been some man who had been driven out of this country by the general arrests on account of the riot of 1874, or something of the kind, but what it is, it is impossible for me to say. These are only my suppositions.

Q. But you do not believe that any man was instigated to do it by any political party?—A. No, sir; I could not be made to believe it, except by the most positive testimony. I do not believe it was possible; I believe if there had been any such thing on foot in this country I would have known it. I am, I believe, about as well posted as any man in the country.

By Mr. VANCE:

Q. Do you know of any republican having been intimidated here during the past two years from voting?

The WITNESS. What do you mean by intimidation—not allowed to live here?

Mr. VANCE. Being intimidated from voting according to his principles.

A. They have not had any election except that of 1874.

Q. Was anybody intimidated at that election?—A. None that I know of.

Q. Do you know whether in 1873 Capt. M. H. Twitchell proposed to Mr. H. C. Stringfellow to put up and advertise public lands in the parish at tax-sale, and buy them in?—A. I do not. The thing was mooted. Stringfellow denied it to me; he is a warm personal friend of mine. It was universally talked over the country that they proposed something of the kind.

By Mr. MUDGETT, (counsel for Mr. Twitchell:)

Q. If I understand you, you stated that when the excessive assessment of 1873 was made Mr. Yates controlled the board?—A. Mr. Himes told me he did.

Q. There was some split between him and Twitchell in politics, was there not?—A. So they both told me.

Q. Do you attribute that high assessment in any manner to Mr. Twitchell?—A. I do, entirely.

Q. How do you explain that if Mr. Yates controlled the board?—A. I explain it this way. Mr. Twitchell controlled everything connected with the affairs of this parish. There was no doubt about that. He controlled the tax-collector's office; his brother was tax-collector. He had the tax-collector appointed, and nearly all of these officers originally were appointed by him. He was leader of this country. There was no doubt but what everything was done that he wanted until they had that split. Captain Twitchell had left for the North, and had ordered his place to be assessed at this exorbitant price. He said he would be satisfied with that assessment for himself. He, controlling the affairs of the parish and everything connected with it, and then being State senator, no doubt had it in his power to get this assessment reduced *pro rata* with the other parishes. He did not get them reduced, and therefore we held him responsible for that assessment of 1873.

Q. You stated that when you heard of the shooting affair you rejoiced, and that everybody else rejoiced, as they would to hear of the misfortune of any other tyrant. Wherein do you attribute his tyranny in this parish? Why do you consider him a tyrant, and why should you rejoice?—A. I consider the assessment of 1873, for which we held him responsible, as one of the most tyrannical things that ever happened. I consider him a tyrant, because he has been representing these people and has betrayed them; because he held the position of State senator, president of the school-board, president of the police-jury, controlled the tax-collector's office, and was everything connected with the affairs of the parish, managed the police-jury, took the money paid for taxes for his own use, and settled with himself; and if that is not tyranny in America, there is no tyranny anywhere.

Q. Do you consider him a political tyrant?—A. Yes, sir. Not only political, but *bona fide*. He is a political tyrant in the strictest sense of the word.

Q. Then the rejoicing was on account of his political tyranny?—A. Yes, sir; and actual tyranny. Of course, it was done through politics. Politics was the machinery through which all this was done.

Q. Do you believe that if a gentleman—like Judge Broughton, for instance—should organize

a republican club and become a leader, and get control, perhaps, of one hundred and fifty votes, he would be as safe in person and property as you would, and could exercise his privileges in that direction with the same freedom and on the same social equality with yourself in this parish, if you were to organize a democratic club and could control a like number of votes?—A. That question will have to be qualified to some extent. If I should take Judge Broughton's or Mr. Twitchell's position and undertake to organize the freedmen element against the interests of the white people, I should judge that I would not be as safe as if I should undertake to organize the white element. If I were to make incendiary speeches and collect the negroes in the night, like it was done here before the riot, when one of the most respectable citizens in this community was shot in the back, I do not think I would be safe in this country, because these people are Americans, and they will defend themselves as quick as any other people in the world. If they suppose a man is coming here for incendiary purposes they will deal with him promptly.

Q. Do I understand you to say that a republican organization must of necessity be incendiary?—A. I consider that every republican organization that has been in the parish of Red River since its inception has been incendiary. My own house was set on fire during the campaign of 1874, during my absence, and I know I have never injured a man in this parish.

Q. Then you admit that so far as politics are concerned the republican organizations cannot be consummated without more or less personal danger to the party who undertakes it, in this parish especially?—A. Any republican organization, based upon republican principles, according to the national platform of the democracy, could be organized and put on foot with as much safety as any other organization.

Q. That would make it democratic?—A. I said according to the republican platform; or if I did not say it I meant it. I mean a respectable republican organization could be set on foot and carried through with as much ease as a democratic.

Q. Why not say the republican platform of this State?—A. It is as good, probably, as the platform of any other State, but the leaders of this negro element here that have been led to incendiary measures are not regarded as republicans by this people.

Q. You speak of incendiary measures in regard to the negro. What outbreaks of incendiarism have you witnessed in this State for the past two years coming from the colored element?—A. When I arrived here from the Baton Rouge convention, in 1874, and when everything was in a perfect turmoil here after the riot, there was no level head here that I know. Everybody and everything was in confusion. There were some twenty-odd negroes in jail, and there was a mob here thirsty to hang them. We could not do anything. I have never seen such a state of affairs. We organized a committee here of some twenty-five, I think, of the best citizens of this country, at my suggestion. They then wanted to know what to do. I said, "Organize a committee and let us investigate matters and try to pour oil on the troubled waters, and try to have no more bloodshed here. Let this thing quiet down, for God's sake." These twenty-five of the most respectable citizens of this country, many of whom are present—the oldest heads we have; men of age and experience, who have lived here probably all their lives—commenced investigating this matter. It took us several days. The testimony of nearly all of these negroes that were in jail was to the effect that they had been inveigled under Twitchell's house the night before the riot broke out, and that they had ammunition dealt out to them by Mr. Twitchell, by Mr. Dewees, a brother of the Dewees that represents this parish in the legislature, and who was a refugee from the parish of De Soto because things were too hot for him there; and by Mr. Eggleston, I think. The evidence taken in this investigation ought to be here somewhere. It was almost universally to the effect that these men had been inveigled under there with loaded guns and ammunition, and there was no excitement whatever in the world here that night, but there was a dancing-party in the upper end of town. There had been a man or two killed below here, but there was no excitement. I think it was a private matter, and caused no excitement here in this country. When Mr. Dickson was riding down the street he was fired upon and shot severely in the back by buck-shot, and from that the riot broke out. I call that an incendiary meeting of the negroes, and I pin it down upon the radical leaders in this parish.

Q. When was this testimony of these negroes taken, after the massacre of 1874 or before?—A. It was taken immediately after I returned from the Baton Rouge convention in 1874, and a few days after the news of the massacre (if you will have it so) of these men that were killed up the river. It was that week or the week following. The date I do not recollect. The testimony was taken here, and nearly every one of these persons corroborated each others' testimony.

Q. When were they put in jail?—A. I was not here. I found them in jail when I arrived. I do not remember the date. It was not a proper time to go into small matters.

By Mr. VANCE:

Q. Suppose Judge Broughton, Mr. Twitchell, or any other republican, in open, honest advocacy of his political principles, should publicly organize his party in this parish, would he meet with opposition or intimidation?—A. I would like to leave out Mr. Twitchell in that matter; for my part, and I believe I say on the part of the people generally, I have no use for Twitchell. But if Judge Trimble, Judge Williamson, or Judge Broughton, or Mr. Bris-

tow, or Mr. Blaine, or any man of that stamp would come here and organize a republican campaign, they could do it with as much ease as the democracy. As for Mr. Twitchell I do not know hardly what he could do. But I know that there is a very severe feeling against Mr. Twitchell among these people.

Q. Is that bitter feeling occasioned by the fact that he is a republican simply, or by the fact that his conduct as a politician and office-holder and manager of the affairs of the parish has not met with their approbation?—A. Republicanism or democracy has nothing to do with it; it is from the fact that these people believe they have been plundered by him, and their property has been attempted to be confiscated by him; that he has undertaken in his way to make a serfdom of this country.

Q. You think politics has nothing to do with the personal feeling against Mr. Twitchell?—A. Nothing in the world. How could it when the best citizens proposed to him, during the campaign of 1874, before any excitement started here, that if he would guarantee to them reform measures they would co-operate with him?

COUSHATTA, LA., *June 7, 1876.*

CHARLES SCOTT (colored) sworn and examined.

By Mr. VANCE:

Question. Where do you live?—Answer. I live at A. C. Brown's ferry, in Red River Parish.

Q. How long have you lived in this parish?—A. Six years.

Q. Were you in the town of Coushatta in 1874?—A. Yes, sir.

Q. Do you remember one particular night in that year—the Thursday night that the riot or trouble occurred?—A. Yes, sir.

Q. Was there a dance in town that night at a brick store?—A. Yes, sir.

Q. What took place that night with you and others?—A. Well, sir, myself and several from my side of the river took a walk up town here for a certain report.

Q. You were sent for?—A. Yes, sir; I received that message.

Q. What was the message?—A. A colored friend of mine came over to my house Sunday night to see me, and he sat down. I asked him the news. He told me of some things that had happened down below the night before, and asked me if I had not heard of it. I told him I had not. He asked me if I had heard any threats that had been made on our place of what was to take place that night. I told him, "No." He asked me if I had heard of threats that had been made toward him. I told him I had not. He told me that he was threatened to be killed that night by the White League, and he came over to get the boys off of that place and the adjoining place to come up that night and assist him. Said I, "If you have got the reports that they are going to kill you, you had better get out of the way." He said no, he was going to be killed in his own house if he had to be killed. I told him that I would not go in his yard, but if it would be any consolation to go to the woods with him I would go, and would meet him at Hayes's lane, down the river a mile. That evening myself and six or eight of the boys got together, with guns and ammunition that we had, and came across the river to Hayes's lane and met his step-son, Albert Moss. He said, "That is not the way; this is the way." I said, "What is the matter? you have changed the programme." He said, "You come this way." I asked him what was the reason of the programme being changed, but he did not give me any more satisfaction than that—telling me to come this way. Not knowing what was up, I went that way. I think Mr. Smith met us up to the northeast corner of the court-house and carried us over to Twitchell's. I asked him what was up, and why the programme was changed. He said, "Just come with me." I went with him over to Mr. Homer Twitchell's yard and went in. I thought he knew his business. Mr. Twitchell was down in town at the time. He came up and asked us what was up, and what was our reason for being there. Before any of us could speak Mr. Henry Smith took him around to the front gate and had a private conversation with him. I don't know what the conversation was.

Q. How many of you were there at that time?—A. I don't really know how many were there at that time, but I know very well that I counted twenty-five.

Q. What took place after this private conversation?—A. The next thing that took place, Mr. Twitchell came back to some of the boys and had a private chat with them. I don't know what he said to them; but any way, while he was talking, down the street comes Mr. Edgerton and Mr. Dewees. Mr. Homer walks back to the gate and meets them. They had some private words. They turn and start back up town, and Mr. Twitchell says, "Boys, let me know." Mr. Dewees says, "You bet I will;" and they walked back up town. In a few minutes Mr. Dewees came down street rapidly on a large bay horse, and called Twitchell out again, and had another private conversation with him. I did not understand all their words, but only I heard him tell him to be sure and let him know; and Dewees said, "You bet I will." We staid under the house with our guns. The people were absent in town, going to the party, I suppose. We had some fellows with us that did not

know but we were there for the purpose of fighting, and several attempts were made by parties that were there with me to fire, but I halted them every pop. I asked them not to do it. I said I did not want to fight: that I had not come there for that purpose. Said I, "Be easy here; we are hid, and we are safe; don't tackle anybody, but if anybody tackles us I will fire as quick as any man." About this time we received a message from Mr. Twitchell that we had better go home and make ourselves easy. When I heard the message I got up and left.

Q. Were any guns and ammunition distributed to any of the men by Mr. Twitchell or any other person that night?—A. I did not see any guns distributed, sir, but I heard some ask for ammunition. I had ammunition of my own and I did not receive any myself.

Q. Did others get it?—A. I don't know; I suppose they did. I heard them ask for it. I took four or five fellows in the other house, and called the balance to come out of there. I thought it would create some excitement for us to be standing there with our guns, because the moon was shining bright at the time, and we could be seen. All that came with me brought guns.

Q. How many times did Mr. Dewees come back to that neighborhood?—A. He came once with Mr. Edgerton and then went back, and he came back again once on a horse while I was there.

Q. How long after he came on the horse, was it until the gun was fired?—A. I could not say; after he came on the horse, I walked, I reckon, a mile and a half, or probably two miles, and went around there to go to my land across the river. When I heard the gun I was lying under a tree in the field. I had no time-piece, and could not say how long it was, but it was a good little bit.

Q. Did you hear Mr. Edgerton say, "They are too strong for us; we can't do anything to-night?"—A. I did not.

Q. Do you know who did hear him say that?—A. No, sir; I don't. I heard some of the boys say, "The crowd is too strong for us; we can't do anything."

Q. Was it that night that you heard that said, and before you dispersed?—A. Before I dispersed I heard some of the boys say that Dennison is the man that I heard say it.

By Mr. WOODBURN:

Q. Were you acquainted with the twenty-five men that you counted there that night under the house?—A. Yes, sir; I was slightly acquainted with some, and very well acquainted with the balance. Some I remember, and some I don't.

Q. When you got there, did you ascertain from any of them what they assembled there for?—A. No, sir; I did not.

Q. Did you make any inquiry?—A. No, sir; only of Smith, the man that came down to see me in the evening.

Q. What did he tell you?—A. He told me to go with him, and he met me at the corner of the court-house.

Q. Did you ask him what for?—A. I did.

Q. What did he say?—A. Only to come with him.

Q. What time in the night did you go there?—A. It was early. We crossed the river about a mile below and got here as quick as we could, about dark.

Q. Did you come through the town?—A. We came up the public road here.

Q. Did you find any white men under the house when you got there?—A. No, sir; we did not.

Q. Was there anybody apparently in command of the men that you saw there, as exercising any control over them?—A. No, sir.

Q. Did you inquire afterward from any of the twenty-five men that were there what they came for?—A. No, sir.

Q. You never did?—A. No, sir. Mr. Smith told me, in the evening, that he wanted me to go with him for protection: of course that is what I understood they all came for.

Q. Did you ask him if his life was in danger?—A. Yes, sir.

Q. Did you ask him who threatened his life?—A. He told me the White League.

Q. What name did he mention?—A. He did not mention any name.

Q. Did you ever talk with Smith afterward about it?—A. No, sir.

Q. Did you ever meet Dennison or any of the others?—A. Yes, sir.

Q. Did you ever talk with them about what occurred that night?—A. They talked a little. The thing was so shocking that I did not like to have much to say about it.

Q. What made it so shocking that you would not talk about it?—A. I do not think that there is a man in this house could get into a serious combat without feeling rather shocked.

Q. Rather nervous?—A. Yes, sir.

Q. In your conversation with Dennison and some of the other men afterward, did they not tell you what they came there for?—A. No, sir.

Q. Have you any idea or opinion as to what they assembled there for that night?—A. Yes, sir.

Q. What is your opinion?—A. I think that Smith was rather wrathful and wanted to do something to get up a name. I think it was ignorance that caused the whole thing.

Q. A name for what?—A. A fighting man or cross-roads bully, or something of that kind.

Q. Did he take part in politics here?—A. Yes, sir.

Q. Did he run for office?—A. I don't know that he did, but he would run for men that was running.

Q. What ticket were you voting at that time?—A. Not any.

Q. Did you belong to any political party?—A. Yes, sir; I belonged to the republican party.

Q. What party do you belong to now?—A. Not any; I am a conservative.

Q. What is your opinion now as to their object in gathering there—to do any harm to anybody?—A. I can speak for nobody but myself. I did not.

Q. How about the others?—A. Of course they will have to say for themselves. I do not know what their notions was.

Q. Living in this community, and having talked with these people before, is it not singular that you did not find out what they had assembled there for?—A. Yes, sir.

Q. You never have discovered their object?—A. No, sir. I promised to drop that thing and stay out home and tend to my own business, and I will try to do that.

Q. Was there a man shot that night?—A. Yes, sir.

Q. Did you hear the report?—A. Of course I did.

Q. Did you speak to any one in reference to that shooting?—A. Yes, sir; they told me there was a man shot.

Q. Did they tell you who did it?—A. No, sir.

Q. Did they tell you why it was done?—A. They said that the man was passing down street, and that the man that did the shooting went away and fired. Some of the men that is now living on the place with me told me of it.

Q. Was it one of the men under the house?—A. Yes, sir.

Q. Do you recollect the names of the men that told you so?—A. Yes, sir.

Q. What were their names?—A. Sentry Beard.

Q. You saw him under the house?—A. He went with me.

Q. Armed?—A. Yes, sir.

Q. He told you the name of the man that shot him?—A. No, sir; he did not; he told me there was a man shot.

Q. Did he tell you who shot him?—A. No, sir.

Q. Did he tell you that he was shot by a man under the house?—A. Yes, sir.

Q. He did not give you the name?—A. No, sir.

Q. Did he give you the name of anybody that ordered the shooting to be done?—A. No, sir.

Q. He did not tell you the reason why the man was shot?—A. He told me that the man came riding down the street. They were in the woods, and one of the men bounced up on the fence and fired, and he broke and run. That is what the man told me.

Q. Do you know whether or not this man that spoke to you about the shooting told you about any enmity between these people and the man that was shot—any ill-will, hatred, or anything of the kind, on account of political differences?—A. No, sir.

Q. Do you know whether Mr. Smith was a friend or enemy of this man that was shot?—A. I do not.

Q. Do you know whether Mr. Twitchell was?—A. I do not know.

Q. Do you know of any colored man or white man belonging to the republican party being intimidated by members of the democratic party in exercising the right of suffrage in this parish?—A. Never anything of the kind.

Q. Is a colored man molested in this parish for voting the republican ticket?—A. I have never seen any of them disturbed. I have seen them asked to go and vote the democratic ticket.

Q. But no violence was ever threatened?—A. Never, that I heard. I have heard some say something of the kind.

Q. Do you know of any white republicans being threatened for being republicans, or for exercising any influence in inducing the colored men to vote their ticket?—A. No, sir; I heard some little quarrels, and men receiving hard names for being republicans, and abused for defrauding, &c., but as for any threats, I have never heard any.

Q. Your opinion is that a republican can live here quietly without being disturbed either in person or property?—A. I see a good many men living here, and sometimes they are so thick, I do not know which is democrat, and which is republican.

Q. Have you ever told any white men in this parish what you have detailed here to-night in reference to what occurred under Twitchell's house?—A. O, yes; I told it to a committee in this house.

Q. How long ago?—A. It was just after the riot in 1874.

By Mr. VANCE:

Q. Who were the parties the boys under the house wanted to fire upon just before you interposed and objected?—A. I don't know; they were people passing the road. There was a party in town that night.

Q. Were they parties unknown to the men under the house?—A. I suppose so; we were under the house, and they were out in the road, and we could not tell who they were. They were just people passing and the boys wanted to fire upon them.

Q. Without knowing who or what they were?—A. Yes, sir.

Q. Did Henry Smith have a company of colored men organized at any time?—A. I do not know whether he did or not; I heard something of the kind, but I would not say positively that he did, because I do not know it.

Q. Did you learn that he had a company of colored men organized and armed with guns?—A. I heard so.

Q. Did you hear of or do you know the object of the organization and arming of this company? For what purpose was it done?—A. I don't know.

Q. Did you have a conversation with Henry Smith in which he told you or by which you learned that he was employed by Mr. Twitchell as a striker or drummer of votes?—A. I learned so by his way of treating himself. That is, his way generally, and using his influence with the people, and I found him to be a man that wanted every man to go his way, or if he did not, he was his enemy. He was a bully. Everybody in the house will tell you so.

Q. Did Smith tell you at any time that he had a fat thing in this arrangement?—A. No, sir; he did not.

Q. Did you learn that he said so from anybody else?—A. I did from one of his cronies after the excitement was over.

Q. You say that when Smith came to your house he told you that he wanted protection against the White League?—A. Yes, sir.

Q. Did he tell you how he was threatened?—A. Yes, sir.

Q. What did he tell you about that?—A. He told me he had learned that there was a company of twenty-five collected up to come to his house and mob him that night.

Q. Did he name anybody in that company?—A. No, sir; he did not.

Q. What is your opinion upon this point; was this a stratagem of Smith's to get you to come up here that night?—A. I think it was.

Q. You have stated, in answer to a question propounded by Mr. Woodburn, that you know of no intimidation here—that no negro has been intimidated in casting his vote for the republican ticket. Now let me ask you if a negro should attempt to vote the democratic ticket, and advocate the election of democrats to office, what would be the effect?—A. He would be very unpopular with the radical party.

Q. Would he be subject to intimidation or abuse?—A. Yes, sir; some. He would not be killed for it, but he would only have a bad name.

By Mr. WOODBURN:

Q. They would not threaten to drive him out of the country, would they?—A. They might say he should not live in the country, but they do not feel it in their power to make him go away.

By Mr. VANCE:

Q. Did you ever hear any negroes threatened if they voted the democratic ticket?—A. I never did since I was in this parish. I was raised in Caddo Parish. I used to hear it there in 1867, when we were first privileged to vote. The young men was not used to it, and they were just like I would have been myself, rather hard on the question. I have heard men quarrel, and say they were mean. That was in 1867. They were not used to it then, you know.

Q. Was it the business of Henry Smith, or his avowed business, to browbeat colored men and compel them to vote the republican ticket?—A. He generally expressed himself very wide to that effect.

By Mr. WOODBURN:

Q. Did they need any compulsion at that time to make them vote the republican ticket?—A. Not much. They got promises this first vote.

Q. Just at that time they all naturally voted the republican ticket?—A. Yes, sir.

Q. Do any of the colored men vote the democratic ticket now?—A. We have not had any election lately.

Q. Did any of them at the last election?—A. I did not go to the polls at all. I did not make any inquiry.

Q. Have you heard of any colored man voting the democratic ticket in this parish?—A. No, sir; if he did he did it secretly.

By Mr. MUDGETT:

Q. You stated that you did not vote in 1874. Have you any objections to stating your reason why?—A. None at all.

Q. What was the reason?—A. My reason was that I would have been going against my will if I had voted. We had an unsettled question here and it was to be settled, and I wanted it settled without my say at all. Some said it depended upon the election how it would be settled, but I was out of it and I intended to remain out.

Q. What unsettled question was that?—A. We had some of the best men in our parish in prison—some of the men that worked hard to save me when I was in that trouble; and

if I had come up here and voted my way, I would have been voting against them; that is all. I was not bullied into it at all.

Q. How would you have voted if you had voted as your mind dictated in 1874?—A. I intended to vote the republican ticket.

Q. And you did not vote it?—A. I did not.

Q. Because you were afraid?—A. No, sir; I was not.

Q. What was the reason?—A. Just because everybody was wrathful; everybody was excited; and we had some of the best men we had here in prison, and I was told by good authority that it depended upon our votes whether they would be released or not, and I thought that would be the case, and I did not want to vote against or for them, and I did not want to have anything to do with it.

Q. Then, if the democratic party won the election they were to be released, and if the republicans won—A. It would give them some more trouble, probably.

Q. That is the way they told it to you?—A. I was told so. I do not know whether it was true or not, but I acted upon my own feeling.

COUSHATTA, LA., June 7, 1876.

E. W. RAWLE recalled.

By Mr. VANCE:

Question. On the morning of the 2d of May, while the shooting was going on on the bank of the river, was the mail being opened and distributed at the court-house?—Answer. I do not know personally. I saw the mail come in.

Q. Did it come in just prior to the commencement of the shooting?—A. Yes, sir.

Q. Prior to that time, was there a general complaint and dissatisfaction among the citizens of Coushatta on account of mismanagement of the post-office here?—A. I have heard a great many complaints here, not only from the citizens, but from people visiting here, and from soldiers also.

Q. Is it the habit of the citizens of the town to congregate at the post-office when the mails come in and are being opened?—A. Yes, sir; and particularly so on that day, for there were two mails at the same time. That is what I understand. A mail had laid over, thereby doubling the mail.

COUSHATTA, LA., June 7, 1876.

BENJAMIN WOLFSON recalled.

By Mr. VANCE:

Question. Were you at the post-office on the morning of the 2d of May, when the shooting began?—Answer. I was.

Q. Had the mail arrived, and was it being opened at that time?—A. Yes, sir.

Q. Is it the habit of the people of Coushatta to assemble at the post-office upon the arrival of the mail, and there await the distribution of letters and papers?—A. Yes, sir; that is their general habit.

COUSHATTA, LA., June 7, 1876.

Z. T. WESTER recalled.

By Mr. VANCE:

Question. Have you been in the habit of opening the mails for some time past?—Answer. Yes, sir.

Q. The post-office is in the court-house here?—A. Yes, sir.

Q. How often does the mail arrive?—A. Five days in every week.

Q. Did a double mail reach here on the morning of the 2d of May last?—A. No, sir.

Q. Did the mail reach here on that morning?—A. Yes, sir.

Q. From what point?—A. Minden.

Q. At the time of the shooting, were there many people assembled at the post-office?—A. Really, I could not say, for this reason: They had heretofore been in the habit of coming and annoying me while opening the mail, and that morning I closed the door. I invited one or two men in and locked the door. I could not say who was in the hall.

Q. Had it been the habit of citizens to assemble and wait for the opening of the mails?—A. To some extent; yes, sir.

Q. You say that they had bothered you by crowding in upon you?—A. One or two parties only.

Q. Are you postmaster of Coushatta?—A. I am deputy postmaster.

Q. By whom was the oath administered to you as deputy postmaster?—A. By the postmaster himself.

Q. Who is the postmaster?—A. J. W. Harrison.

Q. Did you subscribe to an oath?—A. Yes, sir.

Q. Where was it deposited?—A. It was sent on, I presume, to the Post-Office Department.

Q. Where is Mr. Harrison?—A. He is in Springville.

Q. You act as postmaster in his stead?—A. Yes, sir.

Q. Has he resigned his office?—A. I think not.

Q. Who had acted as deputy in opening the mail prior to your taking it?—A. The recorder, Mr. Peck.

Q. Had there been complaints of the missing of packages or letters?—A. I believe so.

Q. Under whose administration?—A. Mr. Harrison's, also.

Q. Were any registered letters missing?—A. I hear so; I do not know within my own personal knowledge.

By Mr. WOODBURN:

Q. I understand that you desire to make some further statement this evening. If so, you now have the opportunity to do so.—A. You asked me had I ever been molested in this parish, and I told you I had not. I was mistaken. I was arrested by fifteen or sixteen armed men on Sunday—the day that those other men were murdered.

Q. That was in 1874?—A. Yes, sir.

Q. Who arrested you?—A. It was a company that came from Bienville Parish.

Q. Were any of the citizens of Red River Parish among them?—A. No, sir; I think not. They were all from Bienville Parish, but they found me on the road, and knew that I had been an active republican, and they thought it best to have an overhauling.

Q. What did they do?—A. They stated to me that I could no longer affiliate with that party and live; that I had to change my views and my mode of acting from then on, or the consequences would be pretty severe.

Q. What did you say to that?—A. I proposed to sort of moderate for the present, from the looks of the double-barreled, &c. They presented a very striking appearance to me; and hearing of this other thing going on down here, I did not know but what they proposed to hang me.

Q. Has any violence ever been offered to you in this parish?—A. Nothing more than that. I have been threatened by letters, and everything else pretty near.

Q. Anonymous letters, or were they signed by citizens of the parish?—A. Some of them were signed "Many Citizens," and some of them "Goggle-Eyed Man," and some one thing and some another. None of them were signed by their real names, because they knew I would call them strictly to account for it.

Q. Do you know if any other republicans have been treated similarly to that since that time?

The WITNESS. You mean arrested?

Mr. WOODBURN. Yes; or any violence offered to them.

A. No, sir; only by threats of what they would do if they continued in their course.

Q. What was the character of the threats? Did you regard them as idle threats, or were they made by responsible parties?—A. Yes, sir; by as responsible persons as there are in the parish.

Q. Can you name the persons who made the threats?—A. I presume most all of the leading men here, getting in conversation, would say that if the republicans attempted to go ahead with a republican organization as they had heretofore, they would be mobbed or killed; they would not put up with it, or something that way.

Q. To what organizations did they refer—these secret associations?—A. I presume so.

Q. No secret organization now exists?—A. None that I have any knowledge of.

Q. If there were such associations in existence you would know of them, would you not?—A. I should think so.

Q. When did these secret societies cease to exist?—A. I have not known any of them since the election of 1874. You also asked a question, "Did I think if a republican was to come down here, or even living here, and if he was to go ahead and take an active part in politics, would he be safe," or something that way.

Q. I asked you if a republican should take an active part in politics in this parish, and should use his influence toward obtaining votes for his party legitimately, whether his life would be in danger from the opposite party, provided in other respects he was a peaceable, industrious, and quiet citizen?—A. There has been a time here when I believe a man could do it, but, since the massacre of 1874, I do not honestly believe a man could live here and advocate republican principles, and go ahead with them without being molested.

Q. Do you think he could do it now?—A. No, sir; I do not; that is, if his influence extended to carrying a good many votes.

Q. Are you regarded as an active republican?—A. I believe I am classed with them.

Q. Do you feel yourself in any personal danger? Suppose an election were to come

off a month hence, you would be very likely to take an active part in your party organization?—A. If I went ahead with any party organizations I believe I would be in danger; but if I remained quiet I do not believe I would.

Q. If you were to make political speeches from the stump, eulogize the principles of the republican party, and appeal to the citizens, white and black, to vote the republican ticket, would you consider your person in danger by reason of that fact?—A. If I was calculated to have much influence, and carry many votes, I should feel that I was in some danger.

Q. On what do you base your opinion—on the acts of the people in 1874?—A. I base it upon this: There were many men murdered during the riot of 1874; since that there is not one of these men that has ever been brought to justice, or ever been punished for that. They think, or I would imagine that they think, "If we killed men then and were not punished for it, we can do so again."

Q. Did not the shooting of Dickson, the night before the riot, have some tendency to lead to the riot?—A. I could not say; I was not in the parish at that time.

Q. From what you have heard since, what is your opinion?—A. From what I have heard since and all, I think they were assembling here before that time; I think they had their plans arranged, and that it was a premeditated affair.

Q. Do you know anything from any authentic source in reference to colored men assembling under the house of Mr. Twitchell's brother, and the shooting of Dickson the night before the riot?—A. I did not know anything about it, and did not believe there was any assembly there, until I heard this colored man's (Charles Scott's) statement to-night.

Q. If that statement be true, do you not think that led to the riot on the following day?—A. Not altogether.

Q. What, in your opinion, was the motive?—A. I had been in Bienville Parish for two or three months previous to that, teaching school, and the White League, or some organization, was going on there, and it was very warm for republicans. They had appointed several committees to wait on me and make me leave the parish; the same thing was going on in this parish, and I really think that they did assemble, or were getting together making their arrangements to get these officials out of office before that thing occurred. When I say officials, I mean those officials that were murdered.

By Mr. VANCE:

Q. Is your statement as to the condition of affairs here based upon what occurred in Bienville Parish?—A. Not altogether.

Q. What additional information did you here get in regard to the White League so-called?—A. From my friends here.

Q. Do you know, of your own knowledge, or have you any definite information, that a secret political organization known as the White League exists in Red River Parish?—A. Yes, sir; I think so.

Q. Do you know it, of your own knowledge?—A. No, I never attended any meetings of the league.

Q. What information have you that a secret organization known as the White League exists?—A. I hear it. My friends tell me that it was proclaimed from the stump by parties in this parish.

Q. That a secret organization existed?—A. I really don't know whether it was secret or not, particularly, but I know this, that men had to take one side or the other. A strict party-line was drawn.

Q. You had no information bearing upon the point of secrecy?—A. No, sir.

Q. You spoke, in answer to interrogatories of Mr. Woodburn, of threats having been made. What threats do you refer to? Were any threats made against yourself in Red River Parish?—A. Nothing more than those parties that arrested me.

Q. I am speaking of threats by the Red River Parish people.—A. I do not know that there was directly. There was indirectly.

Q. How indirectly?—A. I would get letters to that effect; and, I also got a letter from Captain Abney, during the time this riot was going on, saying that I had better leave the State, that he could not guarantee my safety here.

Q. You speak of general threats having been made here in the town of Coushatta, that, if this and that was not done, dire consequences would ensue. Who made these threats?—A. Well, sir, I don't know that I can cite you to any one particularly, but then I have heard it often here on the street.

Q. You cannot recollect any one who used threatening language?—A. I do not recollect as far as any particular man is concerned, no, sir; but then I have been engaged in conversation, and I have heard it said that if this thing was persisted in—

Q. What thing?—A. If the republicans persisted in carrying the election—influencing the colored people to vote the republican ticket, they said they could not live here; that they must move out; hunt other homes; and things of that kind. Those parties had been engaged in organizing colored clubs, or something of the kind—something I had never had anything to do with.

Q. These threats referred to the organization of clubs?—A. Yes, sir.

Q. Secret organizations?—A. Yes, sir; I presume so, or any other organization by which they could carry any votes.

Q. Did it refer to the open organization of the party or to the organization of secret clubs?—A. I reckon it was both.

Q. Do you know that it was both? Did you ever hear a word said in regard to open organization? Was not the objection leveled at the secret organization of men?—A. More or less; I believe, it was the secret organization of men.

Q. Does Mr. Harrison, the postmaster, hold any office under the State or parish government or has he held office under the State or parish government since he has been postmaster?—A. Nothing more than a deputyship, as far as I know; he is deputy tax-collector, and has been acting as such.

Q. Is he not a member of the town council?—A. I think he is. I am not certain. I have never seen his commission.

Q. I speak of your knowledge.—A. I think he is.

By Mr. MUDGETT:

Q. Do you believe that you could take an active part in organizing a white republican organization, or a colored organization, wherein you could control fifty or one hundred votes, and feel safe after doing so in this community?—A. No, sir; I would consider myself in more or less danger.

Q. Why would you be in danger?—A. Simply because I was a republican and advocated those principles.

Q. What gives you that idea of the thing?—A. It is simply because I see so many men killed around about, and I read in every paper I pick up of a murder of some sort, and I cannot hear any cause particularly.

By Mr. WOODBURN:

Q. In 1874 the colored people of this parish were all republicans, were they not?—A. I think very nearly so; yes, sir.

Q. A colored man stated that he did not know of any colored democrats?—A. There were some few colored democrats.

Q. What was the necessity of a secret political organization in the republican party, if all the colored men were republicans?—A. I do not know that there was any secret organization in 1874.

Q. Have you heard that there was?—A. No, sir. If there was I do not know anything about it.

Q. It has been testified here by republicans that white men belong to those organizations?—A. I heard that there were such organizations, but then I was not in the parish at that time, and I never went to a meeting of the kind. I only know that there was any from what I heard.

COUSHATTA, LA., June 8, 1876.

J. W. SANDIFORD sworn and examined.

By Mr. VANCE:

Question. Where do you reside?—Answer. In Red River Parish.

Q. How long have you lived here?—A. Since the formation of this parish and a year before it was made a parish.

Q. How long have you been a resident of Louisiana?—A. Thirty years.

Q. Are you acquainted with the people of Red River Parish?—A. I am pretty generally.

Q. Are you acquainted with the feeling of the people in this parish upon various subjects of general interest?—A. I am.

Q. In case a republican from the North or anywhere else should come into this parish, is he safe in expressing his views upon political questions?—A. Yes, sir.

Q. Suppose that this republican should make himself active in the organization of his party for the purpose of carrying the election for the republicans, would he be safe and protected here?—A. He would.

By Mr. WOODBURN:

Q. Do you know Captain Twitchell?—A. I do.

Q. He has been prominent in the management of political affairs here, has he not?—A. Yes, sir.

Q. Do you know whether or not any prejudice exists against him in the minds of the people of the Red River Parish for any other reason than the fact that he is prominent in the republican party?

The WITNESS. Is there a prejudice exists?

Mr. WOODBURN. Yes.

A. There certainly is.

Q. For that reason?—A. Yes, sir.

Q. Do you attribute that prejudice to the fact he is a prominent member of the republican party, or solely to his administration of affairs in this parish?—A. I attribute it solely to his administration of affairs and not to his being a republican.

Q. When this parish was formed through the instrumentality of Mr. Twitchell what was the feeling of the citizens at that time in reference to its formation and toward Mr. Twitchell?—A. Everything was favorable. The feeling was favorable at that time toward Mr. Twitchell, and every assistance was thrown in his way, and no obstacle to its formation.

Q. When was it that the feeling changed toward him?—A. As soon as the people began to find out that he was disposed to oppress them in every possible way, there arose against him rather a vindictive feeling, because the people thought they were oppressed unjustly.

Q. When he was a member of the board that made the assessment of the real estate of this county did the people manifest any prejudice against him on account of his being on that board?—A. They manifested an outspoken feeling of disapproval of his acts as an officer.

Q. As a member of that board?—A. Yes, sir.

Q. To what did you attribute his shooting?—A. Well, sir, I don't attribute it to his being a republican. To say that I have any theory that I could define particularly as to Mr. Twitchell's shooting, I could not, but I think it grew out of complications probably that had taken place in the parish because of his having oppressed the people so much.

Q. Do you know of any member of the republican party in Red River Parish that has either been molested or threatened with personal violence in any way during the last two years?—A. I do not.

Q. If such had been the fact you would have known it?—A. I certainly would.

Q. You are a member of the democratic party?—A. Yes, sir.

By Mr. VANCE:

Q. Are you a member of the Property-holders and Laborers' Union?—A. I am.

Q. What is the object of that association?—A. Its object was and is to confer with the officers of the parish to see, if possible, whether we might not be relieved of some of the burdens that have been imposed upon us.

Q. What sort of burdens?—A. The taxation and the continuation in office of men who were not citizens and who we didn't think properly belonged to the parish, and the property-holders of the parish were not represented in the offices of the parish.

Q. Has that union or association to do, directly or indirectly, with politics?—A. Nothing whatever.

Q. Was any invitation extended to men of all parties to become members of this union?—A. Yes, sir.

Q. Does its membership embrace people of all political parties?—A. It does.

Q. Who was recommended by this union as tax-collector?—A. Ben. Perrow.

Q. What are his politics and color?—A. He is a black man and a member of the republican party.

Q. How many colored men belong to the Property-holders and Laborers' Union?—A. I could not tell you exactly. The secretary of our meeting probably could.

Q. About how many belonged?—A. I think there were about fifteen or twenty members of that association.

By Mr. MUDGETT:

Q. You stated that while Captain Twitchell was a member of the assessment board—A. I didn't state that. I answered the question asked as to that.

Q. Was Captain Twitchell ever a member of the assessment board of this parish?—A. I don't think he ever was.

Q. Then would any action of that board be attributable directly to the management of Captain Twitchell?—A. I think it could be. I am certain it was.

Q. Will you state your reason why?—A. Yes, sir; in the organization of the parish, Captain Twitchell was the head and front of it. He controlled all the officers of the parish. The parish officers were all appointed upon his recommendation, and held their offices under him during good behavior, or in other words as long as they did to suit him.

Q. What position did Captain Twitchell hold at the time you speak of?—A. He was State senator and president of the police-jury. He was president of the first police-jury that was organized in the parish after its formation.

Q. He represented this senatorial district in the State senate?—A. Yes, sir.

Q. Is it not generally acceded to as the privilege of senators to recommend parties to official positions in their districts?—A. I think it is.

Q. Then if a democrat had been holding the same position as Senator Twitchell held, would it not have been his particular province to recommend persons for office?—A. It certainly would.

Q. Would he not have taken an active part in securing the appointment of officials that were under the appointment of the government?—A. He would, certainly, and he would have been held responsible by the people for the acts of the men he recommended.

Q. Then you think that in the exercise of that power Mr. Twitchell did nothing more than

any other senator would have done, no matter to which party he might have belonged?—A. I don't think he did.

Q. Are you a property-holder in this parish?—A. I have been.

Q. Are you at this time?—A. At this time I pay no taxes in this parish.

Q. You are president of the Property-holders and Laborers' Union?—A. Yes, sir.

By Mr. VANCE:

Q. Do I understand that you attribute this assessment to the influence that Captain Twitchell exercises over the parish officials?—A. I do.

Q. Do you remember who were the officers of the parish immediately after its organization?—A. I don't believe I could call them at present.

Q. Do you remember how many relatives of Captain Twitchell were in office in the parish at any one time since its organization or at various times since its organization?—A. He had a brother and two brothers-in-law.

Q. What position did they fill?—A. One of them was tax-collector of the parish, and another was a member of the police-jury; the other was supervisor of registration.

Q. I understand you to say that this association here is composed of property-holders and laborers?—A. Yes, sir.

Q. And that the name of it is the Property-holders and Laborers' Union?—A. Yes, sir.

COUSHATTA, LA., June 8, 1876.

L. E. LOVE sworn and examined.

By Mr. VANCE:

Question. Where do you reside?—Answer. In Coushatta.

Q. How long have you resided here?—A. Since 1865.

Q. Are you acquainted with the people of the Red River Parish?—A. Generally, yes, sir.

Q. Is there any danger to be apprehended by a republican from the North or elsewhere, if he comes here and expresses his political opinions as a republican?—A. No, sir.

Q. Suppose that a republican should come here, and in the exercise of his rights as a citizen, seek to organize the party for the purpose of obtaining success at the polls, would he then be in any danger from the citizens of this parish?—A. No, sir.

Q. Is there any other than a kindly feeling on the part of the people of this parish toward men of all parties who conduct themselves as good citizens?—A. No, sir.

Q. What is your business?—A. A merchant.

Q. Have you been actively engaged in business and been thrown in contact with the people of the parish?—A. I have.

By Mr. WOODBURN:

Q. To what do you attribute the shooting of Mr. Twitchell—to the fact that he is a prominent leader of the republican party and to their cause?—A. I don't attribute it to the fact that he is a republican.

Q. What is your age?—A. Fifty-six years.

By Mr. MUDGETT:

Q. Have you had any business transactions with Captain Twitchell?—A. Nothing more than paying taxes.

Q. You know something of his reputation as a business man in this parish?—A. Yes, sir.

Q. What is his general reputation for probity and honor as a business man?—A. He is upright.

Q. In regard to any business matter you consider that his word is good?—A. Yes, sir; and always has been so with me.

Q. You never heard any complaint against him?—A. Not in that respect.

By Mr. VANCE:

Q. What do you know about any money or property being given to Mr. Twitchell in consideration of his services in procuring the court-house to be located in the town of Coushatta?—A. I know that there was a good deal of money raised for that purpose.

Q. How much did your firm contribute?—A. \$650. They gave \$500 directly, and then they paid Mrs. Carroll \$150 as a bonus to make up. She asked \$1,500 for her half-interest in this property of 30 acres. Captain Twitchell would not give but \$1,000, so my partners—Mr. Stephens was one of them at the time—felt so much interest in trying to have the court-house located here, that we raised by our efforts the other \$500.

Q. And to whom was her one-half interest in the property made over?—A. To Captain Twitchell.

Q. You say you paid first \$500?—A. Yes, sir.

Q. How and to whom did you pay it?—A. We paid it to Captain Paxton, as Twitchell's collector.

Q. How did you pay it—in currency?—A. In currency.

By Mr. WOODBURN:

Q. What was that paid for—to influence members of the legislature?—A. No, sir; to have the court-house located at Coushatta. It was after the legislature had passed the act creating the parish. There were two or three points competing for the court-house, and our citizens turned in and raised some \$2,000, I think, to have it located here.

By Mr. VANCE:

Q. Was there any danger that if you had not done this the court-house would have been placed at some other point?—A. Our people thought so.

Q. Did you hear anything in regard to its going to any other point?—A. Yes, sir; Mr. Hayes's place was named as one point, and they thought some of putting it up at Starlight, Mr. Twitchell's plantation.

By Mr. MUDGETT:

Q. You spoke of Mr. Twitchell only being willing to give \$1,000. Did he contribute to the location of the court-house?—A. Not that I know of.

Q. What was that \$1,000 for that he proposed to give?—A. That was for Mrs. Carroll, for her interest. She asked \$1,500, and he was not willing to give but \$1,000, and so Captain Abney and Mr. Stephens and others raised the other \$500, and made an application of it to Mr. Twitchell, as it were.

By Mr. WOODBURN:

Q. Is the title to that property in Captain Twitchell?—A. One-half of it is, I think.

Q. Then, he contributed the thousand dollars and took the deed in his own name, and gave nothing for the location of the court-house?—A. I think not, as he owns the property yet.

COUSHATTA, LA., June 8, 1876.

J. H. SCHEEN sworn and examined.

By Mr. VANCE:

Question. Are you engaged in any business in this town?—Answer. I am.

Q. How long have you resided in Louisiana?—A. Since 1842.

Q. Are you acquainted with the people of Red River Parish?—A. I am; I know them generally.

Q. Are you actively engaged in business at this point and thrown in contact with the people of the parish daily?—A. I am.

Q. Suppose a republican should desire to come to this parish from abroad—from the North or from any other part of the country—would he be in any danger of personal violence on account of his politics?—A. No, sir.

Q. Suppose, further, that this republican should take an active part in the organization of this party and its success at the polls in the election of his candidates, would he, by reason of this action of his, be in any danger of personal violence?—A. I think not, if he conducted himself otherwise as a gentleman and took no unfair means to carry his points.

Q. If he conducted himself as a gentleman, you think he would be in no danger whatever?—A. I think not.

Q. Do you know of any republican, white or black, who has been subjected to personal violence on account of his republicanism?—A. I do not. I cannot recall any to my mind now.

By Mr. WOODBURN:

Q. Suppose in this presidential campaign Captain Mudgett, Judge Broughton, or any other prominent member of the republican party in this parish, were to go upon the stump and proclaim his political faith and eulogize the republican party and the republican candidates, would either one of them be in any danger of personal violence from the people of this parish?—A. I think not. In fact, at the present time, they are so much divided as to principle in this parish that you can scarcely tell in this county who is democratic and who is republican. There are many democrats who are really in favor of the same principles that are announced by the republican party.

Q. Since the riot of 1874 have you known of any member of the republican party, white or black, being intimidated or threatened by the opposite political party?—A. Not to my personal knowledge.

Q. If such a thing had occurred, you would have been liable to have known it, would you not?—A. I would.

Q. Do you attribute the shooting of Captain Twitchell to any other reason than that he was a member of the republican party?—A. I do.

Q. Your opinion is that politics had nothing to do with the shooting of Captain Twitchell?—A. I cannot possibly think so.

Q. Do you know if any person or persons in this community anticipated the shooting of Twitchell?—A. They did not; if they did, I never heard of it.

Q. Did you ever hear anybody say, prior to the shooting, that Captain Twitchell was in danger of his life?—A. I did not.

Q. Did you believe that he was in danger?—A. I did not. I thought he was just as safe as I was myself.

Q. Did the shooting of Captain Twitchell create any surprise in this community among the democrats?—A. It did; very great surprise.

Q. When the people offered their services to the sheriff to procure the arrest of the man that did the shooting, do you believe that their efforts were sincere?—A. I do.

Q. You believe that they were honest in their proffers?—A. Yes, sir.

By Mr. VANCE:

Q. Did you hear, or do you know, whether Captain Twitchell, some time since, stated that he had three men on the police-jury whom he could influence, and that he proposed to keep them there?—A. He stated something to that effect. I don't remember the precise language.

Q. I speak of the import.—A. That is about the import and substance of the conversation.

Q. Did not this conversation arise from the fact that the statement had been made that this police-jury was not organized according to law, because three of the members resided in one ward?—A. I don't remember precisely what brought it about, but that was named during the conversation.

COUSHATTA, LA., June 8, 1876.

J. B. DICKSON sworn and examined.

By Mr. VANCE:

Question. Are you a resident of Red River Parish?—Answer. Yes, sir.

Q. How long have you lived here?—A. Nineteen years.

Q. Are you acquainted with the people of the Red River Parish?—A. I am, on the river. I am not much acquainted out in the hills.

Q. Was an attempt made to assassinate you in August, 1874?—A. Yes, sir.

Q. State as briefly as possible the circumstances attending that attempt to assassinate you.—A. I live upon the river about ten miles from Coushatta, and I came down and crossed the river a little after sundown, about dusk, and came to a party. After I got over here there was a courier came up from Brownsville and reported some disturbance there; and about that time there was a party sent down to Brownsville, and I was going down, but they told me they didn't want me. I then went to Mr. Cawthon's stable to put up my horse. Before I put him up some one told me that he wanted me to go out on picket, and that another man and myself were the only persons that had horses, and for us to go out on outpost. We went out and we were fired on, and before we got out we saw Mr. Homer Twitchell and Mr. Scott, a few rods from Mr. Twitchell's house. I was told it was Mr. Twitchell's house at that time, and since then I have found out that it was.

By Mr. WOODBURN:

Q. That was Mr. Scott, the colored man, that testified yesterday?—A. No, sir; he is a relation of Mr. Twitchell and a northern man.

By Mr. VANCE:

Q. Did you have any conversation with Mr. Twitchell and Mr. Scott?—A. I did, with Mr. Twitchell, but not with Scott. Twitchell asked me what was up, and I told him that people thought they were in danger, and that they got me to go out on outpost to see what was the matter—to reconnoiter. After I had left him about a hundred yards, I suppose, I was fired upon.

Q. Where was the assassin located when the shot was fired? From what direction did it come?—A. On the left-hand side, a little behind.

Q. Where was he stationed?—A. On the roadside; I didn't see him at all.

Q. Was he concealed in any way?—A. Yes, sir; I suppose so. I didn't see him; there was a fence close by, and we rode up alongside the fence.

Q. The first intimation that you received that there was absolute danger was the shot?—A. Yes, sir.

Q. In how many places were you hit?—A. Five.

Q. Were you badly wounded?—A. Very. My arm was broken above the elbow, and I was wounded in the elbow and leg.

Q. Do you know who shot you?—A. No, sir; I don't know who shot me.

Q. Was the man discovered afterward?—A. Said to be, but I didn't see him. I was wounded.

Q. Who was said to be the assassin?—A. I understood that Paul Williams was said to be.

Q. Did he confess that he was the man?—A. So I understand.

By Mr. WOODBURN:

Q. He was a colored man, was he not?—A. Yes, sir.

Q. When he confessed, did he say that he was one of the men who was under Homer Twitchell's house on the night of the shooting?—A. I don't know.

Q. What is termed the riot occurred the next day after you were shot, did it not?—A. It commenced that night.

Q. In your judgment, was the shooting of yourself by Paul Williams, or by somebody, what led to the riot?—A. Yes, sir; I think so.

Q. You think it was mainly instrumental in producing it?—A. No, sir; not the shooting. I understood that that was the commencement of it—that he opened it himself at that time.

Q. You are acquainted with the political sentiments of members of the democratic party of this parish, are you not?—A. Yes, sir; somewhat.

Q. You converse a good deal with them about politics?—A. Yes, sir; I don't have a great deal to do with politics.

Q. You hear the question discussed once in a while, do you not?—A. Yes, sir.

Q. You are a member of that party?—A. Yes, sir; I am a member of the democratic party.

Q. What is your opinion, if a republican from the North came here and settled in this parish, behaved himself as a gentleman, and took a prominent part in politics, proclaimed his principles, and legitimately used his influence toward procuring the success of the republican party at the ballot-box, would his person be in danger?—A. No, sir; it never has been heretofore.

Q. Do you know of any threats or intimidation being used by any member of the democratic party toward any member, white or black, of the republican party, during the last two years in this parish?—A. No, sir.

Q. Do you know Captain Twitchell?—A. Yes, sir.

Q. He was a prominent member of the republican party, was he not?—A. Yes, sir.

Q. In your judgment, do you believe that the shooting of him by this unknown man was attributable to the fact that he was a prominent leader of the republican party?—A. I think it was not.

Q. There was a prejudice against him in the minds of a great many people, was there not?—A. Yes, sir.

Q. But it was not from political causes?—A. No, sir.

By Mr. MUDGETT:

Q. Do you recollect of any party being shot at previous to the time you were shot at that evening?—A. Yes, sir; I heard Mr. John L. Johnson—in fact he came up as a courier from Brownsville, and told me that he had been shot at on the road as he was coming up to town. Johnson was a white man.

By Mr. WOODBURN:

Q. What party did he belong to?—A. He was a mere boy 16 or 17 years old, and belonged to no party.

By Mr. MUDGETT:

Q. It was rumored at the time that yourself and a young man by the name of Ole Pickens shot at a colored man, previous to your being shot at. Was there any truth in that statement?—A. Mr. Pickens fired a gun before I was wounded. When we went out, we were told if we saw anything that was wrong or apprehended any danger, to fire off a gun as a signal, to let the people in town know that there was danger.

Q. You are quite sure that Mr. Pickens did not aim that gun at any person?—A. Yes, sir; he was close to me and was said to be a good shot, and could undoubtedly have shot him.

Q. Was there not a colored man near by when that shooting took place?—A. Yes, sir.

Q. Did he join you or get away?—A. He got away.

By Mr. VANCE:

Q. How long before you were shot did this firing of the gun, that has been spoken of, take place—the first gun by Mr. Pickens, I mean?—A. It was I suppose half an hour.

Q. Who was Mr. Pickens?—A. He was a republican, and managed a paper or had some interest in a republican paper in the town of Coushatta.

Q. Was he a member of the republican party?—A. Yes, sir.

By Mr. MUDGETT:

Q. You are speaking of young man Pickens, are you?—A. Yes, sir.

Q. Not Judge Pickens?—A. No, sir.

Q. Do you know that young Mr. Pickens ever voted the republican ticket?—A. I don't know; I never was here during an election.

By Mr. VANCE:

Q. Was the first gun fired at anybody, or merely as a signal?—A. I understood that it was fired as a signal.

Q. And for that purpose alone?—A. Yes, sir.

Q. By Mr. Pickens?—A. By Mr. Pickens.

Q. Did you or not say to Mr. Homer Twitchell that you and Mr. Pickens had ordered a colored man to stop, that he had refused to do it, and that Ole Pickens had fired at him?—A. No, sir.

Q. And did you also say to him that you were patrols on the road?—A. We were sent out to reconnoiter.

COUSHATTA, LA., June 8, 1876.

J. F. STEPHENS sworn and examined.

By Mr. VANCE:

Question. Where do you reside?—Answer. I reside in sight of the court-house here.

Q. How long have you resided in this section of the country?—A. I have resided in this town, and within a mile and a half of it, since 1867. My first residence was a mile and a half down the river, and my business place was in town as a merchant.

Q. Were you placed under arrest in 1874?—A. Yes, sir.

Q. What was the charge against you?—A. I never could ascertain. Our friends got Colonel Levy to examine at Mr. Wolfley's office, the United States commissioner in New Orleans, to see what charge was against me. He reported that there was no affidavit and no warrant. I never saw any affidavit or any warrant myself.

Q. How long were you kept in custody?—A. Just eighteen days, I think.

Q. Were you in custody on election-day?—A. Yes, sir.

Q. Did you vote?—A. Well, yes, sir; we went to Mr. Scott, who was the deputy marshal—I believe I did myself—and demanded the right to vote. He said that he didn't know that we had a right to vote. I told him that he was certainly mistaken as to the law; that we were only charged with a small offense and nothing had been proved, because we had never had a preliminary or any other examination, and consequently that we were not deprived of the right to vote under the law. He then stated that he would give us an answer at 4 o'clock as to whether we could vote or not. At 5 o'clock he came to us and proposed to accompany us, three at a time, to the polls, and he did so, and we all voted who had a right to vote, I believe.

Q. Were you kept in custody eighteen days without a preliminary examination?—A. Yes, sir. We demanded of Captain Twitchell, who was the United States commissioner, a preliminary examination, and I believe his excuse was that his relatives had been killed and he—

Q. How many were kept the same way that you were in custody?—A. Sunday was the day the first arrests were made. There were twelve of us arrested. Afterward I think our number was increased to fourteen or fifteen, but one or two were afterward released.

Q. You have stated that you are acquainted in this parish?—A. Yes, sir; pretty extensively acquainted.

Q. Is there any personal danger to be apprehended by a republican from the North or elsewhere, if he comes here and proclaims his political principles?—A. I will state my opinion exactly in regard to that matter. I have been here, as I have stated to you, nearly nine years, and my opinion is that Mr. Woodburn or any other republican might come from the North and settle down here, and that he might proclaim his principles publicly upon the stump, at the court-house, or anywhere else, if he did it openly and fairly, without any fear of molestation or any danger from anybody. We invite discussion. Democrats would meet him in discussion as is usual at the North as I understand, or as I know, for I have been there two or three months and know something of the course pursued in Ohio, Kentucky, and Indiana, and I know that course might be pursued here without any trouble.

Q. Has there ever been any objection raised by the people here to republicans, except the condemnation of the course of certain men organized in leagues, alliances, midnight associations, and such other matters as that?—A. No, sir; never within my knowledge, unless it may have been some few individuals of extreme views. There have been no threats.

Q. No overt acts?—A. No, sir; I think not; none that I recollect of.

By Mr. WOODBURN:

Q. Are you a practicing lawyer by profession?—A. Yes, sir.

Q. When you were arrested did you demand to see a warrant?—A. No, sir; I had understood that other parties did and that they were refused.

Q. That was the reason you didn't ask for it?—A. Yes, sir; I supposed that they would not do it.

Q. Did you ask for the nature of the charge upon which you were arrested?—A. Yes, sir; I think so.

Q. Was there any information given you upon that point?—A. I understood that the marshal said that the charge against all of us was a conspiracy to murder these men up forty miles from here.

Q. They never gave you a preliminary examination?—A. No, sir.

Q. Was any indictment ever found?—A. No, sir.

Q. Do you know whether any affidavit was ever filed before any proper officer?—A. I have never been able to find out. The election took place on Monday and I was turned out on parole on Wednesday. Some other parties that were arrested were put under bonds. There were five of us arrested.

Q. You knew Captain Twitchell?—A. Intimately.

Q. Do you attribute the shooting of him to political influence?—A. No, sir; I was not in this country when that took place.

Q. You have heard that matter discussed among the people here since the shooting?—A. Yes; since I have been at home; I have been at home only ten or twelve days.

Q. What is your opinion from that as to the cause of the shooting—whether it is to be attributed to politics or not?—A. I don't think so. I am not under that impression that it was a question of his being a republican.

Q. There was a general feeling of prejudice against him on the part of the people?—A. Yes, sir.

Q. Did that arise from his supposed maladministration of affairs in this parish?—A. Yes, sir; his official acts.

Q. Do you know whether the feeling was based upon any just ground or not?—A. I am inclined to the opinion that it was.

Q. Can you state any single, well-grounded, established case against him of malfeasance in office?—A. I will state this: that I was here when the parish was organized in 1871, and I was present at the first organization of the police-jury as the parish attorney, elected by the police-jury themselves; I was there as their legal counselor. The people were a little dissatisfied at the manner in which that police-jury was formed in the very beginning of affairs here; that police-jury was constituted of Captain Twitchell, the State senator; E. W. Dewees, a representative in the lower house from this parish; F. S. Edgerton, and P. E. Roach, and afterward a negro by the name of Pryor Porter. There was not a single citizen on that police-jury who had resided in the parish for twelve months previous, unless it was Captain Twitchell himself. It is true Mr. Dewees claimed his citizenship here, but he hadn't previously resided in the parish, and nobody ever knew where his residence was unless it was at Captain Twitchell's house. Now, the law provides that each parish shall be laid off into five wards and that there shall be one representative from each ward.

Q. Who has to be a resident of that particular ward?—A. Yes, sir; in this case Captain Twitchell and Mr. Dewees were both from the same ward, if Dewees really had any residence at all; and Edgerton and Roach, if they resided anywhere, one of them resided in this town and the other at Springville, both in this ward; leaving several wards unrepresented. The organization of that police-jury, the people thought, was unfair. They thought that some of our citizens should have been selected from their respective wards, according to law, to constitute that police-jury.

Q. That created a prejudice?—A. Yes, sir; in the beginning on account of the manner in which it was organized; then the awarding of the contract for the building of the court-house was another thing.

Q. If prominent democrats had been concerned in such things as that there would have been as much prejudice against them as against Captain Twitchell?—A. I think so. I should have thought harder of a democratic official if he had always lived here among us, and I believe the people would.

Q. Do you know of any menaces being used by the democratic party or by its members toward any members of the opposite side for the last two years; any intimidations or threats to drive colored men or white republicans out of the parish?—A. I don't recollect of any.

Q. How old are you?—A. I am in my 64th year.

By Mr. VANCE:

Q. Was it in 1871 or 1872 that Captain Twitchell brought his relatives here and placed them in office?—A. Mr. King, his brother-in-law, I think, came here in 1871. It was in 1872 that his brother and Mr. Holland came here; Mr. Holland is his brother-in-law.

Q. Was Mr. Edgerton a relative of Captain Twitchell?—A. Not that I know of.

Q. Was he here in 1871?—A. Yes, sir.

Q. Was he placed in office by Captain Twitchell?—A. Yes, sir; he was a member of the police-jury.

Q. Did you individually or as a member of a firm in this town contribute anything toward the location of the court-house here?—A. Yes, sir.

Q. How much did you contribute?—A. \$100.

COUSHATTA, LA., June 8, 1876.

Mrs. ELIZABETH STEPHENS sworn and examined.

By Mr. VANCE :

Question. Are you the wife of Judge Stephens, who has just left the stand?—Answer. Yes, sir.

Q. Do you remember of the arrest of your husband in 1874?—A. Yes, sir.

Q. Did you call upon Captain Twitchell after his arrest?—A. Yes, sir; he came up from the city, I think, at night or in the evening, and next morning I was at Mrs. Paxton's and saw him passing.

Q. Did you have any conversation with him?—A. Yes, sir; I called to him as he was going around to his house and wanted to know of him why Mr. Stephens was arrested. I told him that he had nothing to do with the riot and that he was sick, and I wanted to know why he was arrested. He just remarked that it was for political zeal; that is about what he said.

COUSHATTA, LA., June 8, 1876.

F. ROUBIEU sworn and examined.

By Mr. VANCE :

Question. Where do you reside?—Answer. In Red River Parish.

Q. How long have you lived here?—A. Since its formation.

Q. How long have you resided in this neighborhood?—A. I am a native of this adjoining parish, from a portion of which this parish was formed.

Q. Are you acquainted with the opinions and feelings of the people of this parish?—A. I think I am very well acquainted with them.

Q. Is there any danger to be apprehended by a republican who should settle in this parish and proclaim his political views?—A. None in the world; they have been frequently invited to express their opinions publicly at our public meetings; they have been invited to meet their democratic opponents and discuss freely, publicly, and openly the political topics of the day.

Q. Suppose that a republican comes into your meetings and seeks to influence men to join his party, uses all fair and honorable means for the success of his party, proclaims publicly his principles, and why he entertains such principles; has this man any cause to fear personal danger or intimidation?—A. None at all. He need have no apprehension to fear anything for expressing his views or endeavoring to carry them out even, unless he endeavors to excite an undue animosity of feeling or hostility between the different political parties which are dividing the State and parish.

Q. He has nothing to fear on account of his advocacy of his principles?—A. Not at all.

Q. Are you acquainted with the organization known as the Property-holders and Laborers' Union?—A. I am. I am a member of it.

Q. Has it anything to do with politics?—A. Not that I have discovered yet.

Q. What is the object of that association?—A. It is for the purpose of adopting means to get rid of the excessive taxation which has been imposed upon us, and to find remedies for the evils generally which have been existing and giving us trouble in our parish.

Q. We have made inquiries in regard to the attempted assassination of Twitchell. Was his shooting caused, in your judgment, by reason of his political views, or his advocacy of them?—A. I don't think so.

Q. What, in your judgment, was the cause of his shooting?—A. It has been impossible for any of the citizens of this parish to discover the proper cause of the shooting. We have formed certain conjectures among ourselves. When the shooting of Captain Twitchell occurred it took every one of us by surprise. Many of us were not even apprised that he was in the parish. We felt a feeling which is almost indescribable to us. We felt a certain feeling of relief at the thought that at length we were about to be rescued from all the troubles under which we had been suffering for some time—tyranny of every description: heavy taxes; the dread of constant riots, caused by arousing the animosities of the colored people against the white race here. We felt a species of relief, I may say almost of gratification, at the thought that at length our troubles were coming to an end by the killing of Twitchell; though, at the same time, we deplored the manner in which the occurrence had taken place, because we thought it was a very bad example to be set to the community at large, that a killing should take place thus publicly without meeting with punishment. At the same time we felt that as there was a great deal of blame attached to us for unfortunate events which had occurred in our parish, we thought that another stone would be added to our reputation, and we deemed, therefore, that we had nothing much to gain, after all, by the killing of Twitchell; for we considered that our honor, our reputation in the minds of the public and all the citizens of the whole community and all our fellow-citizens of the North, would more than counterbalance the relief which we would feel by the death or loss of

Captain Twitchell. We valued our fair name and our honor more than we did the loss of property.

Q. In your opinion, was his attempted assassination attributable in any degree to his political influence as a republican?—A. I think not. As far as I could discover, I have discovered that Captain Twitchell had personal enemies; even in his own party he had bitter opponents. Captain Yates had repeatedly denounced him in public. Judge Pickens also had some troubles and difficulties with him. One of my neighbors, a Mr. Todd, had difficulties with him of a pecuniary nature, and also of a nature too delicate to be made public. If his killing is at all attributable to politics, it is in a very remote manner. The conduct of Captain Twitchell has been such that through his influence a good deal of intimidation has been practiced here previous to election, and a great dread of arrests, of confinement in prison, of being detained from home, and being carried into prison dungeons at New Orleans, away from home, as the Colfax prisoners had been—all these things combined have had such a great influence in frightening our people, that many of our most valuable citizens were induced to abandon their valuable homes and to seek refuge in Texas, and I have understood that many of them after arriving there met with misfortune in the loss of some members of their families and of their property; and I have thought that in a moment of exasperation, attributing their destitution and their sufferings to the action of Captain Twitchell, some of them may possibly have come and committed this deed.

Q. What is your occupation?—A. I am a farmer.

Q. Are you actively engaged in the pursuit of your business?—A. Yes, sir; I labor myself.

Q. Do you take any part in politics other than that taken by citizens generally occupying your position?—A. I generally take a little more active part in politics than the generality of farmers.

Q. Are you an office-seeker or an office-holder?—A. No, sir.

By Mr. MUDGETT:

Q. Do you believe that the killing of Mr. King and attempted assassination of Mr. Twitchell would have any political significance outside of the State? You state that you deplored it on account of your friends North?—A. I don't exactly understand your question. I cannot properly judge what feelings people have abroad.

Q. Why did you deplore the killing of King and attempted assassination of Mr. Twitchell on account of your friends or the people of the North?—A. Because we had previously been blamed for the killing of persons, relatives of Mr. Twitchell, too, and a good deal of blame was attached to our character and reputation.

Q. Political or otherwise?—A. I suppose political and social both. It is a social and political evil both that such an occurrence should take place in a community.

Q. Do you believe that this would have any political influence outside of the State?—A. I don't know what influence our people abroad may consider political.

Q. I simply ask your opinion whether you think it would.—A. I cannot tell. It might possibly offer an opportunity to make political capital of it. I don't know.

Q. You speak of the prejudice of the people against Captain Twitchell on account of some parties having been arrested and having to leave the State; why were those parties arrested?—A. I never could find out.

Q. Had there been some crime committed previous to their arrest?—A. Not by the people that were arrested that I know of.

Q. Had there not been an outrage committed in the parish in which several parties killed?—A. Yes, sir; as I understand there had been an outrage committed by members of the republican party.

Q. Was not one of those parties a brother of Captain Twitchell, and were not some of them his relatives, to your own knowledge?—A. I heard they were. I think so.

Q. Had you been in the place and commanded the influence that Captain Twitchell did at that time, would you not have used every means in your power to bring the parties who committed that outrage to justice?—A. All fair and just means, no doubt.

Q. Do you believe that Twitchell resorted to any undue means for that purpose?—A. Yes, sir.

Q. Wherein?—A. In having citizens arrested whom he had every cause to know were perfectly innocent of the killing of those men.

Q. Have you any means of knowing upon what information he acted?—A. I really never could find through whose influence those arrests were made, because no affidavits were produced, no charges were made, and I am not aware even by whom the affidavits were made.

By Mr. WOODBURN:

Q. Were any affidavits ever filed in court charging anybody with the commission of these crimes?—A. Not that I know of.

Q. In any court, either Federal or State?—A. Not that I know of.

By Mr. MUDGETT:

Q. If there had been in a Federal court at New Orleans would you have known it?—A. I think so.

Q. What were your means of knowing?—A. Like I found out generally. I suppose that the charges would have been made known to the persons accused, and I could have conferred with them and found out if they had been brought to trial. Of course, in conversation with them, I could have found out from them.

Q. Were they not arrested and carried before the court?—A. I never heard that they were; they were never put on trial.

Q. Was any one taken from here to New Orleans upon these particular indictments?—A. Yes, sir.

Q. Was there no bond given?—A. I think there were bonds given.

Q. Could they have been required to give bonds unless an affidavit had been made?—A. I am not acquainted with the species of examination which was made in New Orleans afterward. I think there were some persons who had been arrested who were brought there to give testimony in regard to the troubles which had occurred here. I could state that an opportunity could have been offered to us to find out the accusations brought against the citizens here, by an agreement which had been entered into by citizens of this parish with Captain Twitchell. He agreed as United States commissioner to grant the privilege to the citizens of this parish to have their examinations here in this parish, and after having pledged himself that such an opportunity would be granted to the citizens of this parish to come forward before the United States commissioner here, and having pledged himself at the same time that all those who would voluntarily come forward and be examined, would, if it were found that there were charges which could not be substantiated against them, be free to have an opportunity of returning home without arrest or molestation, and would have the opportunity of being placed in the same situation in which they were previous to their examination without any attempt being made for their arrest. Captain Twitchell afterward violated this pledge.

Q. Then, if I understand you correctly, you considered that Captain Twitchell had almost absolute power, and that he is a very smart man?—A. I do.

By Mr. WOODBURN:

Q. Were not those bonds given before the United States commissioner here and not in New Orleans?—A. I think they were.

COUSHATTA, LA., June 8, 1876.

JOHN T. YATES sworn and examined.

By Mr. VANCE:

Question. Where do you reside?—Answer. I reside in Red River Parish, about eight miles from here.

Q. How long have you resided here?—A. I have been here ever since the 1st day of February, 1865.

Q. Were you the first sheriff of the new parish of Red River?—A. I was.

Q. Are you acquainted with Captain Twitchell, State senator from this district?—A. I am.

Q. How long have you known him?—A. I have known him since 1870.

Q. What has been the extent of Captain Twitchell's influence in the appointments of various officers of this parish?—A. Well, sir, he has had wholesale control of it since it was formed in 1871.

Q. He has controlled the appointment of officers since 1871?—A. Yes, sir; since May of that year.

Q. Was there an attempt made to assassinate you some two or three years ago?—A. Yes, sir; on the 18th day of December, 1873.

Q. You were fired upon?—A. Yes, sir.

Q. Who fired the shot?—A. Mr. Gillim.

Q. Do you know what caused Mr. Gillim to fire this shot at you?—A. I don't know of my own knowledge, but I have ascertained since I got well what was the cause of it.

Q. What was the cause?—A. It was to get shut of my influence, I suppose, in the republican party. I was sheriff, and they said that I was a very arbitrary one. I executed the laws promptly, and I brought to justice all that I possibly could, but I had no favor to grant and no affections, and I didn't fear anything at all. I went on and discharged my duty, and they said it was on that account, but I don't know positively.

Q. Have you made the statement that Captain Twitchell had caused you to be shot?—A. I have.

Q. Is that your belief?—A. Yes, sir.

Q. That he had hired or caused the man to shoot you?—A. No, sir. Let me explain that. There was a party—I will name some of them—I was told while I was lying on my bed in New Orleans that if I hadn't worked against the tax-collector's office I would not have been shot.

Q. Who controlled the tax-collector's office?—A. H. J. Twitchell at that time, the brother of Captain Twitchell. He is the man that told me so.

Q. After your recovery did you make any threats against Captain Twitchell at various times?—A. I did not. I did, however, make a threat against another man of the republican party, but not against Mr. M. H. Twitchell.

By Mr. WOODBURN:

Q. Do you recollect bringing some prisoners from this parish to Baton Rouge on a steamboat?—A. I do.

Q. When was that?—A. I took them at various times.

Q. Do you know Captain Boardman?—A. I do, well.

Q. Do you recollect of having taken any prisoners to Baton Rouge upon his boat?—A. I never did.

Q. Do you recollect of ever conversing with Captain Boardman in reference to the shooting of yourself by this man Gillim?—A. I made one trip on Captain Boardman's boat before I was shot, but not since that time.

Q. Have you ever had any conversation with him upon the subject of shooting since that time?—A. I don't think I have. I won't be positive.

Q. Captain Boardman, in the city of New Orleans, testified before this committee that on one occasion you were on his boat, taking prisoners to Baton Rouge from this parish, and that you detailed the particulars of the shooting to him; that after doing so you remarked that you had no enmity whatever against the man who perpetrated this crime upon you for the reason that he was instigated to do the shooting by Captain Twitchell. Is that true or not?—A. If I stated that to Captain Boardman he misunderstood me. I stated if it was through his influence and that of A. O. P. Pickens, if I was satisfied of it, the young man who did the shooting could not be blamed for it because he was a brave man and had been made drunk, and Henry Jones, of this parish, who was a republican, gave \$125 to have me assassinated.

Q. You and Captain Twitchell at that time were members of the republican party, were you not?—A. Yes, sir; I have always been.

Q. What led you to believe that Captain Twitchell exercised any influence in procuring your assassination?—A. From the simple fact that I would not do just what he wanted me to do.

Q. He wanted you to do something that was not lawful?—A. Yes, sir.

Q. Have you any objection to telling what that is?—A. I have several objections to telling what that is, but still, at the same time, if you have authority to know the truth, you shall get the whole of it.

Mr. VANCE. We want to know the truth.

The WITNESS. I see you have authority, but I don't know that you have authority to know my opinion upon this matter.

By Mr. WOODBURN:

Q. If you decline to testify for any lawful reason, we have no objection to your not testifying.—A. Well, sir, there are several reasons connected with it; I think he wanted to get shut of me, and has shown ever since that time that he was determined to get shut of me, and he did get shut of me as an officer. At the time I was shot there was no investigating committee came from Washington to investigate my shooting; not even the State senate nor the house of representatives ever spoke of it, and I was shot with twelve buckshot. I was United States marshal at the time, and was postmaster.

Q. Did you attribute the influence of Captain Twitchell in the matter of your shooting to this fact, that you were beginning to exercise almost as much influence in the republican party as Captain Twitchell?—A. I had been here ever since the surrender.

Q. In other words, were you getting too prominent?—A. I expect I had more influence at the time, to leave the money question out, than he had.

Q. Did you assign that as one of the causes of this antipathy toward you?—A. I don't assign that as one of the particular causes, but still I went to him at one time to investigate the matter, and he said I was sheriff and had better attend to my own business. We both belonged to the same party and wished to perpetuate the interest of that party, and, of course, to a man like myself, who has pride, that rather put a damper on me. I didn't like his remarks, and of course I determined to investigate the matter and see why I should attend to my own business as sheriff, when I was working with him to attain that same thing that was connected with the interest of the party; it was in regard to the school-fund of this parish.

Q. What was the trouble about that?—A. We wished to know how much he had received and how he disbursed it.

Q. Did he have any objections to stating how much he had received and how much he disbursed?—A. He simply told me that I was sheriff and to attend to my own business, and the other gentleman who was with me had better attend to his.

Q. Did you have any information as to whether the school-fund was properly disbursed or not?—A. I had.

Q. State what that information was.—A. It came from the clerk of the general school-fund in New Orleans. I knew from the number of schools we had here that all the money was not expended in that way; that was my motive for inquiring of him to know something about it.

Q. If it was not properly expended, what became of the money?—A. Echo answers what; I cannot tell you.

Q. Did you have any opinion based upon the information you acquired in New Orleans in reference to this fund, and what became of it?—A. As a matter of course, he, as treasurer of the school-fund, held it in his own possession, I suppose.

Q. Do you know, of your own knowledge, or from any authentic source, whether or not Captain Twitchell, as the treasurer of the school-fund and having authority to disburse the school-money, ever took receipts from teachers for \$70 or \$80 a month, or whatever they were entitled to, and the teacher refunded some of the money?—A. All I know about that is this: that I saw one gentleman sign a blank receipt, which I didn't think looked business-like; and another stated to me that he receipted for \$50 a month when he only got \$35.

Q. You thought that was not a proper way to do business?—A. I thought so, although I signed some blank receipts when I was shot.

Q. Do you recollect the name of the party who gave the receipt?—A. Virgil A. Stewart signed one in blank.

Q. He was a school-teacher?—A. He was.

Q. He informed you of what you have stated?—A. He and a man by the name of Lawson.

Q. Did you have any conversation with Twitchell, as treasurer of the school-board, in reference to the signing of that receipt?—A. I did not.

Q. Do you know if that fact was generally known in this community?—A. I cannot say; I can only say so far as my knowledge extends.

Q. Was it known to members of the republican party?—A. It was known to me.

Q. Did you ever talk about the matter to any other republican?—A. I did. I spoke of it on the stump in 1874.

Q. Do you know whether Captain Twitchell ever denied that charge during the campaign?—A. He did not.

Q. He never denied it to yourself during the campaign?—A. No, sir; I never saw but one thing from him in my life since the campaign of 1874, and that was something that he stated in the Republican, that one improper man had been brought back to the parish, speaking of this riot of 1874, formerly the sheriff of the parish, when this had been my home ever since the surrender, and before, because I came here after Banks's raid.

Q. Please state what, in your judgment, was the main cause that induced you to believe that Captain Twitchell exercised any influence over this Gillin in shooting you.—A. I don't think Captain Twitchell exercised any influence over him at all, but I think A. O. P. Pickens did, and Pickens knew, and Captain Twitchell knew—

Q. Was Pickens under the control of Twitchell?—A. He was absolutely so, because he told me so with his own mouth.

Q. You stated that Twitchell controlled all the political appointments of this parish.—A. He has, except the last appointment that was made for clerk. I don't know whether he controlled that or not.

Q. I will ask you to state if there was any bad feeling existing in the minds of other members of the republican party outside of yourself against Captain Twitchell by reason of his sole control of his parish and by reason of his management of his affairs?—A. There was.

Q. Will you please state the names of some of those members?—A. William P. Peck, James F. Moore, and I can give you a hundred in the upper end of the parish.

Q. Of those who were dissatisfied with his management?—A. Yes, sir; dissatisfied with the management of the parish affairs.

Q. Then this feeling was not confined to the democratic party alone in this locality?—A. Well, sir, it is not confined to the democratic party alone, so far as the management of parochial affairs was concerned.

Q. I will ask you, as a republican, to state whether, if a man from the North comes and settles in this parish, and conducts himself as is required of a good citizen, and proclaims himself a believer in republican principles, and uses his influence legitimately toward the success of the republican party, can he reside here with safety to himself?—A. Well, sir, that is a very hard question you have put to me to answer.

Q. At this particular time?—A. At this particular time he is perfectly safe.

Q. Would he have been safe here for the last two years since the riot?—A. Since the riot I think I have been hated in this community as much as any other man alive.

Q. And you are not apprehensive of danger?—A. I am not at this time, and I think Colonel Roubien will state the same. He knows that I have been hated in this community as much as any other man, and I live here with perfect safety, but I cannot tell how long that is going to continue that way. If you take ardent spirits away, then I don't apprehend a particle of danger, but as long as there is bust-head whisky here it is otherwise.

Q. Ardent spirits in any community are liable to cause trouble?—A. It always did in the

North. I have been treated in the North about as bad as I have been here sometimes, except on one occasion I was hung a little, but that has been so long ago it don't make any difference.

Q. Is there in this community to-day any greater degree of political prejudices existing between the two parties than exists in any other community North, East, or West?—A. I have not been North since 1869, and I cannot tell you what prejudice there is there.

Q. Is there any greater than existed in those localities in which you resided in the North before the war?—A. No, sir; because I was kicked off the stump for speaking in Missouri, but I have not been kicked off here, although I have been shot.

Q. In this coming political campaign suppose that you were to get up on the stump as you have done heretofore and eulogize the republican party and its nominees and principles, would you fear or be apprehensive of any danger to your person?—A. I would not fear or be apprehensive of any danger, but at the same time I might be shot, but I have this to say, that I intend to do it if I am shot, because I don't care who is nominated for President I am going to go on the stump.

Q. You are not apprehensive of any danger of personal violence for so doing?—A. No, sir: not at this time.

Q. Do you believe that in the coming campaign the men in this room, principally democrats, are capable of doing violence to your person?—A. I don't fear anybody in this house.

Q. Are not the remainder of the democrats in Red River Parish something of the same character as the people that surround you?—A. Yes, sir; but, as I said a while ago, there are a few young men in this county who love whisky too much and they create trouble, but, as a matter of course, I will have to be governed by circumstances in the coming campaign. A man cannot tell to-day what to-morrow will bring forth. When I first came here they knew that I was from the North, and knew that I was a republican, and I will state here that I was hung in 1868, when I was handing out tickets for Grant. And they died a natural death. My blessing on them was that they should die a natural death, and that I would live to see them die, and I have done that.

Q. Do you attribute the attempted assassination of Twitchell to the sole fact that he was a prominent leader of the republican party, or to the fact that there was a feeling against him on account of his mismanagement of affairs in this parish?—A. If I knew the man that shot Captain Twitchell I could give you an opinion. I was out at home when the shooting took place. I cannot tell you why it was done.

Q. According to your own opinion of the management and control of the affairs of this parish, if there was any desire on the part of this people to kill Captain Twitchell by reason of his mismanagement of parochial affairs, it would have been done long ago, would it not?—A. If they had had an opportunity long ago.

Q. If there was any great antipathy toward him because he was a leader of the republican party and there was any disposition to assassinate him, it could have been done long ago?—A. Yes, sir.

Q. But it was never attempted?—A. No, sir.

By Mr. VANCE:

Q. Do you know of any influence having been brought to bear by Captain Twitchell in 1873, or at any other time, to obtain an exorbitant or greatly increased assessment of the property in this parish?

The WITNESS. The appraisement-list of property, do you mean?

Mr. VANCE. Yes; the realty.

A. Captain Twitchell never said a word about it, except he came forward and made his own appraisement, and we were governed by that. We put down his property just in accordance with the majority of them that came forward and made the appraisement. We hardly ever changed it. Some did and some didn't.

Q. You were governed by the appraised value each man put upon his own property?—A. As a general thing, we were. I was not here at that time, in 1873. I was in Texas, and I came here on the 12th of August.

Q. Were any inducements offered to you while you were in New Orleans to give up your office of sheriff?

The WITNESS. Any inducement to resign?

Mr. VANCE. Yes.

A. No, sir; there was no inducement to resign offered to me.

Q. Were there any inducements offered, directly or indirectly?—A. None offered indirectly, only just this: He stated that if I got well in one hundred and twenty days, I could come back and continue the same position, and that they would not have any sheriff appointed; they would let this man Edgerton act in my stead, as they were on my bond for \$6,000, and if I was well in one hundred and twenty days, I should take the office back. This was all that was said to me.

Q. Was there any desire expressed to get rid of you, as sheriff, at that time?

The WITNESS. Of whom do you speak?

Mr. VANCE. Of anybody.

A. I think there was right smart desire on the part of a portion of the republicans to get

rid of me; but Twitchell was not there but once. That was the night I sent in my resignation, and he did not say a word to me at that time.

Q. Where did you resign; in New Orleans?—A. I was at No. 12 on the street just above the custom-house, in New Orleans.

Q. Why did you resign?—A. Well, sir, I was not able to take charge of the office at that time, and everything here was in confusion. I have a letter that was written by Edgerton, however, at my house that stated to me that if I came back here I would be butchered. He was the man appointed in my place. He said it would not do. He gave the names of the men that were going to do it.

Q. Who were they?—A. I don't think that it is necessary to tell that part of it.

Q. What reason was given by Edgerton why they were going to butcher you?—A. He didn't assign any, only that I had better never come back to this parish.

Q. Was it a political reason?—A. I don't know whether it was a political reason or not. I think the only reason was that he wanted to hold the office himself, and he knew if I came back he could not hold it; and when I did come back he visited me. I got back on the 28th of May, 1874, and he visited me frequently. I met him from that time up to August. The last time I saw him was in this court-house the fourth Saturday in August. I reckon I nauseated his stomach so that he was satisfied not to see me any more.

Q. Is your successor republican or democratic?—A. Republican.

Q. Did you receive, directly or indirectly, any consideration to resign?—A. No consideration at all. I lost about \$8,000 or \$9,000 by resigning.

Q. Did you get the contract for building this court-house in which we are at this moment?—A. I did.

Q. Did you build the court-house?—A. I did not.

Q. Who did?—A. M. H. Twitchell.

Q. State to the committee the circumstances attendant upon the letting of the contract, and in what manner you surrendered it to Mr. Twitchell.—A. I would like to give the whole statement of the affair.

Q. Do it as briefly as you can.—A. When the police-jury put an advertisement in the paper to let the contract, I made out a bill of specifications. The specifications stated how it was to be built. I was governed by the specifications that were published in the *Coushatta Times*. I went forward and made a contract to build a court-house for \$16,525. The court-house was to be built with all the joists, studding, and all the heavy work out of heart-cypress. It is very difficult to procure cypress in this country, although it is here. Some time elapsed. I think I went to Shreveport twice and to Minden once to get a man to build it, and succeeded in getting a man here. Afterward he came to me and asked me for the contract.

Q. Who came to you?—A. M. H. Twitchell. I told him there it was. He said, "I want to see it." I said, "Here it is; you can see it." He said, "I want it." Said I, "Here it is." "Well, but," said he, "I want to build the court-house myself." Said I, "Suppose I refuse?" He said, "Then I will call the police-jury together and ignore your contract." Said I, "All right; then you can take the contract;" and I surrendered it to him.

By Mr. WOODBURN:

Q. Bonds were issued for the building of the court-house?—A. Yes, sir; \$20,000.

Q. Who sold the bonds?—A. I did.

Q. What did you do with the proceeds?—A. I never received any.

Q. Who did receive them?—A. Well, sir, M. H. Twitchell, I reckon, received them. I don't know. I made a *procès-verbal*, and he said he would settle that part himself.

Q. How much was realized from the sale of bonds?—A. About \$13,710, I think; somewhere along there.

Q. After you sold the bonds why did you not receive the money?

The WITNESS. Why didn't I do a heap of things? Because he controlled.

Q. Why did you not keep the contract?—A. I might answer that question in the same way. Why didn't I keep the contract? Because I was governed by him, as president of the police jury, and he ordered them sold and I sold them.

Q. He was instrumental in giving you the contract?—A. I didn't even get my commission for selling; he would not allow it.

Q. After the contract was accepted by you he took the contract and also received the money for the sales of the bonds?—A. There was no money handed to me. There are gentlemen in the house that purchased the bonds through me.

Q. There could not have been a sale without money being paid for them?—A. After a sale is made, in this State the law is that they have got three days of grace to come up and pay the money, but those three days have never elapsed yet. That is, when I sell real estate they have three days to come forward and pay the money, and I thought the bonds acted in the same way; but there has never been any money paid. It was never paid to me; I suppose it was paid to the treasurer, though.

By Mr. VANCE:

Q. Do you know anything about any levee jobs?—A. Yes, sir.

Q. What about them? Do you know anything about the levee that was built around the plantation of Mr. Twitchell, or in that region?—A. I know the Honey Bayou levee, that was built for the sum of \$10,000, and the contractor was F. S. Edgerton. He received \$2,000 for building the Honey Bayou levee.

By Mr. WOODBURN:

Q. An appropriation was made of \$10,000?—A. Yes, sir.

By Mr. VANCE:

Q. Who got the balance of the money?—A. Twitchell and Dewees had it built.

Q. Was that levee designed for the protection of Twitchell's private property?—A. I cannot tell you anything about that; it is a good ways above it.

Q. Does it protect any other property?—A. Yes, sir; I suppose it would protect some other property. I don't know but it would have been an injury to some and a protection to some. It would have been a very good crossing for Honey Bayou, but it was received one evening and it floated off the next morning.

Q. What is there about the Coushatta levee?—A. You can see it from here.

Q. How much was expended for it?—A. I think, as I said before, I don't think Congress has any right to inquire, but I will answer.

Q. We are after the truth.—A. You shall have it as far as I am concerned. It cost \$32,672. That is what they received for that. They paid out for having it built \$19,640.

Q. Who got the balance?—A. Twitchell and Dewees had it built. I don't know who got the money.

By Mr. MUDGETT:

Q. When was Captain Twitchell treasurer of the school-board of this parish?—A. He was treasurer in 1871, 1872, and 1873. At least he handled all the funds. I think that year H. J. Twitchell had the name of being treasurer.

Q. You stated that Captain Twitchell made his own appraisement in regard to property.—A. I did.

Q. When you were on the board of assessment?—A. Yes, sir.

Q. Is not that the general practice, for the gentlemen owning property to give in their assessment?—A. That is law.

Q. Then he did what others do?—A. What others should do.

Q. While you were sheriff were you elected or appointed?—A. I was appointed and elected too.

Q. Were you elected?—A. Yes, sir; I was elected.

Q. Were the other officers of the parish elected who served at the time you did?—A. Yes, sir.

Q. Then they were elective officers?—A. Yes, sir.

Q. How was it that Captain Twitchell controlled all these elective offices?—A. You must recollect that in 1874 the parish was newly formed; that he was sworn into office on the 17th day of May, 1871. All the officers in 1871 were appointed by M. H. Twitchell and E. W. Dewees for this parish up to the election of 1872.

Q. But you stated that you were elected?—A. I stated that I was appointed too. I was appointed first and elected afterward.

By Mr. VANCE:

Q. You were appointed first in 1871, and in 1872 you were elected?—A. That is it.

By Mr. MUDGETT:

Q. After your election in 1872, when all these financial matters were taking place, how was it that Captain Twitchell controlled those officers so absolutely who were elected by the people?—A. He didn't control me.

Q. Then in 1872 and 1873, when you made assessments for this parish as one of the board of assessors, were you controlled by Mr. Twitchell in fixing the assessments?—A. I was not.

Q. Not in the slightest degree?—A. No, sir; the citizens had a meeting in August, 1873, just after my return from Texas, when the caterpillars had destroyed nearly all the crops, and they appealed to us on that ground that the assessment should be much lower, and we agreed with them as a board or assessors to assess the property according to the parishes of Natchitoches, Caddo, and De Soto, I think. We would unite the three together and we would then assess this parish in accordance with the assessments received from those parishes.

Q. You used your own judgment. You were not controlled by them?—A. We used our own judgment, of course; we were controlled by those assessments.

Q. You were sheriff at the time the contract was made for the building of the court-house?—A. I was.

Q. You were the elected sheriff at that time?—A. No; at that time I was appointed.

Q. On whose recommendation?—A. I cannot tell you. M. H. Twitchell and Dewees were the parties, I suppose, that had the appointment made.

Q. Was that the reason you were so absolutely controlled in the court-house matters?—A. I didn't say that I was absolutely controlled. I simply gave it up. I was not controlled in it at all.

Q. You gave it up to Twitchell quietly?—A. Of course I did, and I suppose—

Q. On his say so?—A. Of course on his say so. What would have been the use to say anything else, because he could have rescinded the contract at any moment, and I knew that.

Q. Did you run against Captain Twitchell as senator in this district at any time?—A. I did in 1873, until the killing took place, and then I quit.

Q. You did not continue in the position?—A. No, sir; I didn't continue in the position after the riot.

Q. You were not voted for?—A. No; not as senator.

Q. You received no votes at all?—A. Not a vote as senator.

Q. Were you voted for for any office at that election?—A. I was.

Q. What office?—A. Parish judge.

Q. How many votes did you receive at that election?—A. I don't know; I never went to the polls, and had nothing to do with the election.

Q. You never saw the returns?—A. I never saw the returns, and would not even read them after they were published.

Q. Whatever votes you did get were republican votes?—A. Yes, sir.

Q. The records showed how many votes you carried individually at that time. It was about forty-odd, I think.—A. Yes, sir. Then the cause of it—how will that count? What was the cause that there was no more carried than that as republican?

Q. In this levee business, who authorized the building of this Honey Bayou levee; was it the State levee board?—A. I didn't fully inquire into that. I knew who gave the contract to Edgerton.

Q. Do you know who authorized it?—A. I suppose the surveyor authorized it.

Q. Was he not on the State levee-board?—A. I suppose so.

Q. Who ordered the Coushatta levee built?—A. Gen. Jeff. Thompson and another gentleman were up here as surveyors.

Q. He was sent by the State levee-board, was he?—A. Of course they were in the interest of the State, but Honey Bayou was not received by the engineers.

Q. Was Mr. Twitchell a member of the levee-board?—A. He was not that I knew of.

Q. Did Mr. Twitchell influence the levee-board, in your opinion?—A. I think he did. I think Dewees had more influence in the levee-board than Mr. Twitchell had.

Q. Do you think anybody has been benefited by the Coushatta levee?—A. There is no question about it.

Q. Do you think the lands have been improved?—A. I think Mr. Hayes and Jules Lisso have been benefited.

Q. Do you think it has been a public benefit?—A. I think it was a public benefit for a few.

Q. With most of the citizens in this vicinity?—A. It benefited seven or eight plantations; Mr. Brown's and others where the water used to go back on them when the levee was not there. I don't know how much it benefits either one of them.

Q. Had not Mr. Twitchell, as a citizen, the same right to make contracts to build levees as any other citizen, and make out of it what he could?—A. Of course he had; he is an American citizen.

By Mr. VANCE:

Who received the Honey Bayou contract?—A. H. J. Twitchell was appointed receiver for it.

COUSHATTA, LA., June 8, 1876.

J. W. WATTS sworn and examined.

By Mr. VANCE:

Question. Are you a member of the police-jury of Red River Parish?—Answer. I am.

Q. How long have you been a member of that jury?—A. Since the last election. It has been some eighteen months, I suppose.

Q. Are you republican in politics?—A. I have been; I voted the republican ticket, and was elected on the republican ticket.

Q. Did you receive a notice of the meeting of the police-jury in April last?—A. Not until after they had adjourned.

Q. As a republican, what is your judgment upon this point; suppose a republican comes to this parish from abroad and expresses his opinions in an honest and conscientious manner; is he in danger of personal violence?

The WITNESS. And acts as a gentleman, and peaceable citizen.

Mr. VANCE. Yes.

A. I do not apprehend that he is in a particle of danger.

Q. Suppose that he acts as a gentleman and endeavors to influence voters in an open and public manner, is he in any danger of personal violence?—A. I do not consider him in any danger at all.

COUSHATTA, LA., June 8, 1876.

ANDREW BOSLY (colored) sworn and examined.

By Mr. WOODBURN :

Question. Are you a member of the republican party?—Answer. Yes, sir.

Q. How long have you resided in this parish?—A. I was born and raised right here, and have lived here since 1837.

Q. What is your present occupation or business?—A. I am a carpenter by trade, and also work on engines ; running and repairing engines.

Q. I will ask you to state if a republican from the North comes and settles here, and acts as a peaceable, quiet citizen, and proclaims his republican principles, either on the stump or otherwise, whether he is in danger at this particular time, or whether he has been for the last two years, in danger of personal violence.—A. Yes, sir ; provided he carries any influence with voters.

Q. What do you mean by influence?—A. If he could carry any weight of colored voters ; one hundred or two hundred voters.

Q. Are the colored voters divided in politics?—A. No, sir ; they are pretty much solid.

Q. If they are a unit, what is the necessity for a man to exercise any influence upon them to get them to vote the republican ticket?—A. Because there are many political workings ; there are many things. Intimidation has been practiced upon them ever since the surrender, and they desire men to rally them together and to get them to the polls.

Q. Are there any prominent colored men here in politics?—A. I am considered one.

Q. You are considered prominent among the colored men and a leader in politics?—A. Yes, sir.

Q. Since the riot of 1874, has any member of the democratic party ever threatened to drive you away from Red River Parish, or threatened your life?—A. Yes, sir.

Q. Please name any such.—A. On the 4th day of October, Paul Lisso told me to my face, when the troops had landed, that I could not live here ; that he had nothing against me, but I could not live here.

Q. Did he tell you that you ought to leave?—A. He told me, of course, that I could not live here. I told him I did not fear any one or two men.

Q. Did you leave?—A. Yes, sir ; I left.

Q. Where did you go?—A. I went to New Orleans.

Q. How long did you remain there?—A. I reckon I returned here somewhere about the 18th or 20th of October, 1874.

Q. If you had been apprehensive of any danger, why did you return?—A. While I was in New Orleans dispatches came that the United States cavalry and United States marshals had come here, and were arresting men who had committed violence, and I felt then that there was a protection thrown about us.

Q. Since 1874 has any member of the democratic party ever told you that it was better for you to leave ; that you could not reside here?—A. They have not told me personally.

Q. Has any menace ever been made of such a character since the time of your return to this parish from New Orleans in October, 1874, as to justify you in leaving the parish?—A. If I was a scary man, I have colored men who would bring me news every day, from all parts of the parish.

Q. Have you ever left since?—A. I have made up my mind to die right here if I am shot down.

Q. Has any attack or assault of any kind been made upon you since October, 1874?—A. There has been expressions made to me. On Sunday, the 6th day of February, 1876, when I was waiting for a boat to go to New Orleans, Edward Sprowles came up and asked me how did I do, and says to me, "I suppose you are on the way to the city." I told him, "Yes." "Well," he said, "You do up things right when you get there, if you expect to live here." He said to get these carpet-baggers and thieves, Dewees and Twitchell, out of the way. I replied to him, "You have scared all the scare out of me in 1874." He said, "Dewees and Twitchell know all about riots and fusses and leaves. They knowed this fuss in 1874 was going to be and got out of the way." My reply was, "How did they know it was going to be and get out of the way? Their dearest relatives were left here, and they would have taken them out of the way."

Q. You did not pay much attention to what was said on that occasion?—A. The threats have been so regular and so often, and I have got no other home to go to. My property is

here. I have made it here, and I have made up my mind to die here. Let them kill me. I have got to die any way. I have got no other place to go to unless I sacrifice all I have.

Q. Has any assault been made upon you in the last two years?—A. There was previous to that in August.

Q. Is Judge Broughton a prominent member of the republican party?—A. He has sort of left the republican party.

Q. How has he left it?—A. He has taken active steps in what is called the Property-Holders Union League, of which the republican party do not approve.

Q. Are you a member of that society?—A. No, sir.

Q. It has been testified to here that it is not a political organization.—A. Any man that has political workers can see that it is a political organization when they also testify that it is not a political organization. They expect to regulate and do away with parish affairs, which has been done wrong, and regulate the taxes.

Q. When Judge Broughton was elected was he elected on the republican ticket?—A. Yes, sir.

Q. Did he take an active part in politics, and organize republican clubs and exert considerable influence?—A. Yes, sir.

Q. Do you know whether he was ever menaced by members of the opposite party at that time when he was taking that active part in politics?—A. I do not know whether he has been threatened personally.

Q. If he had been it would have been notorious in this community, would it not?—A. This thing of murdering has got to be so common it is like an every-day thing, and men hardly pay much attention to it. It is common, like a wild, savage country.

Q. Was he not supported by men of both parties at the time of the election?—A. I do not know whether he got any democratic votes, but he was supported by the republican party.

By Mr. VANCE:

Q. To which political party does Mr. Sprowles belong?—A. He took steps with the democratic party altogether.

Q. Was not Mr. Sprowles a republican and an applicant for the position of clerk of the court?—A. He may have claimed to be a republican, but all his steps were with the democratic party.

Q. Do you know whether he did or did not claim to be a republican?—A. He had at one time—

Q. Do you know from his conversation that he claimed to be a republican?—A. Not that I know of.

Q. Do you know that he did not claim to be a republican?—A. No, sir; but he said, "As I have been a leading republican, if I expected to live here and be safe I had better try to do away with these carpet-baggers." That gives me mighty good grounds to believe he was against me.

Q. You have spoken of threats. I wish you to name to this committee a resident of this parish who has ever threatened you or offered you personal violence since 1874.—A. There has been threats right to my face. That, of course, was violence when Paul Lisso told me I had better leave here.

Q. Did he offer you any violence?—A. No more than threats.

Q. Has anybody in this parish since 1874 offered you personal violence?—A. Not to my face. They know I am this kind of a man, that if they offered it—

Q. You speak of this laborers' association. Do you consider it a political society for the citizens of this parish, regardless of party, to band together for the purpose of taking action in regard to parish matters?—A. I consider it a democratic organization under another name, just as the White League and Ku-Klux organizations.

Q. Do you know how many colored people belong to this organization?—A. No, sir; I don't think there is but very few.

Q. Are there not seventy-five colored members of that league?—A. If there is, they are scared into it.

Q. Is this an open or a secret association?—A. I do not know. I have never visited it.

Q. Do you know whether it is or is not, from the best information you have?—A. The general workings of the opposite party in this State—

Q. I am asking you as to this association now. Is or is not the Property-Holders and Laborers' Union of this parish an open and public association?—A. I have understood that they have public meetings, and then have what is called private caucuses to themselves—which no one can see what they do in there.

Q. That is your understanding?—A. Yes, sir.

Q. Are you an office-holder in this parish?—A. Yes, sir.

Q. What position do you hold?—A. I am coroner of the parish, and justice of the peace of the First ward, and also alderman of the corporation.

Q. Through whose influence did you obtain these offices?—A. By the vote of the people.

Q. Do you hold these three offices at one and the same time?—A. Yes, sir.

Q. Where do you reside at present?—A. Inside of the corporation.

Q. Have you not been recognized in this community as a political agent, or striker, as it is called here, for Captain Twitchell?—A. Not for Twitchell—no, sir. I am a political man

for the good, I think, of the colored people, and for all republicans—not for any man in particular.

Q. Have you not acted with and for Captain Twitchell?—A. I have acted with him, of course, because he was a republican and acted with other republicans, as any man would do with his party.

Q. What reason did Paul Lisso assign when he spoke in regard to your leaving?—A. He could not assign any reason. He said he had nothing against me himself.

Q. He spoke as a friend of yours?—A. It seems that he did.

By Mr. MUDGETT:

Q. Would you consider yourself in danger, on account of your political standing, if you attempted to organize republican clubs for the ensuing campaign?—A. Yes, sir, I would; and, unless protection is thrown round about by the General Government, I consider the parish government powerless. I also, under the present circumstances, consider the General Government powerless. It has, however, under the Constitution, guaranteed to protect the citizens in their political rights anywhere, but it does not do so in this part of the country.

By Mr. VANCE:

Q. The organization of political clubs heretofore in the republican party among the colored people, particularly, has been of a secret character, has it not?—A. No, sir; not altogether.

Q. Have there been private and secret organizations?—A. It is not private and secret. They invite all classes. It belongs to the white as well as the colored, and the doors are open to all.

Q. Has it been in the habit of administering oaths to those persons that belong?—A. Yes, sir.

By Mr. MUDGETT:

Q. What is the general feeling among the colored people as to their safety in joining the republican organizations?—A. The colored people at this time are demoralized—even not testifying before this committee. There are many to testify before this committee, but they are demoralized. They are speaking to me daily and daily, to know whether there will be any protection here or not.

By Mr. VANCE:

Q. Please to name any such.—A. I can name Perrow, a minister. A few days ago, he was telling me that there were threats after him, and that he did not know what would be done unless protection was furnished here; and it is so every day. I cannot recollect all.

Q. Name any one else.—A. There are some I could name, but they wished me not to bring their names to the light; they said they were afraid even to testify.

Q. Have any threats of a personal nature been made against you outside of politics in the past?—A. Not that I know of.

Q. Were not threats made against you for the alleged killing of a man named Gillim?—A. In 1874, I heard about his brother making threats. I had been told that he tried after that riot to get a crowd to come and mob me at night.

Q. In the past, when the clubs of the republican party would meet at night, was it not the habit to keep out armed patrols or guards?—A. It was to keep guards at the doors to keep any disturbances down, but we met in the day as much as in the night, only at times. We met early in the evening at this place, at the close of the campaign, for the reason that we had to visit the club, and very often the colored people could not spare the time from their work.

Q. Was it a habit to keep out patrols armed with guns?—A. No, sir; not with guns. Sometimes the door-keepers had a pistol to keep others away from hearing what was going on inside.

Q. Did not Mr. Lisso, in reality, warn you on account of the desperation of Mr. Gillim's brothers?—A. No, sir; I think not. It was on account of politics.

Q. Do you know whether it was on account of the desperate character of this man, and his feeling toward you, or political feeling?

The WITNESS. Why should it be on account of him?

Mr. VANCE. Answer the question.

A. No, sir; I do not suppose so, for this reason—

Q. Do you know?—A. No, sir, I do not.

By Mr. MUDGETT:

Q. Are a majority of the colored citizens of this parish supporters of the principles adopted by the national republican party?—A. Yes, sir.

COUSHATTA, LA., June 8 1876

W. R. MUDGETT sworn and examined.

By Mr. WOODBURN :

Question. How long have you resided in Red River Parish?—Answer. A little over a year. I have been thirteen years in the State.

Q. Are you a member of the republican party?—A. Yes, sir.

Q. Since your residence here has any violence ever been threatened by members of the democratic party against your person, by reason of your being a republican?—A. Not individually.

Q. Do you think it is safe, at this particular time, for a republican to be active in politics?—A. Perhaps it may be at this particular time.

Q. Can you not give a positive answer?—A. It is not safe, certainly, in my opinion.

Q. On what do you base your belief?—A. On general principles.

Q. Is not your opinion based upon the fact that there was a riot here in 1874?—A. That has not the slightest thing to do with it.

Q. What else?—A. From my knowledge of the workings of political parties since the war.

Q. Have you heard any democrat proclaim that a republican could not live here, since you have been here?—A. Not in that language.

Q. In language to that effect?—A. Well, this—

Q. Have you heard any respectable member of the democratic party in good standing in this community use language to that effect?—A. I do not know that I have.

Q. Do you believe that Mr. Twitchell was shot because he was a prominent member of the republican party?—A. I do.

Q. What makes you believe that?—A. I will tell you. My opinion is that any gentleman of the party who maintains a leading position, and exercises any influence and control over public matters as a party man, is in the way of the opposition party, and there is a strong prejudice against the republican party. A portion of it is honest prejudice. There are men in this country, I think, that believe firmly that the republican party is disposed to place the colored man above the white. It comes, I think, from prejudice, but there are people who don't take the daily papers, and don't know, outside of their own locality, what is going on in politics in the country.

Q. Sometimes men do not get very accurate information from the newspapers.—A. I know that; but there is more disposition to believe what certain political leaders say than there is to investigate for themselves.

Q. You are acquainted with all the prominent leaders of the republican party in this parish, are you not?—A. Yes, sir.

Q. Do you know of any threats being made against them in the last year?—A. I have been cautioned. I have been told by friends that threats had been made against me, and that I had better be careful; and I know that others have been told the same thing in regard to themselves.

Q. Who communicated to you the information, republicans or democrats?—A. Mostly republicans.

Q. Did they name the persons who were expected to put you in danger?—A. They did not individualize.

Q. They spoke in general terms?—A. Yes, sir; they would be afraid to individualize any one, especially the colored people.

Q. If you had entertained an honest belief that you were not safe in your person, after having proclaimed your republican principles, would you have continued to reside here?—A. I would.

Q. Then you would risk your life in behalf of principle?—A. I would; I have done it.

Q. You have never been in any immediate danger; no threat has ever been made directly against you?—A. Not in this particular locality; but in this State I am satisfied that I am in danger.

Q. Suppose it transpired that the man that attempted to assassinate Mr. Twitchell was a republican, would you then believe that the attempted assassination was attributable to the fact that Captain Twitchell was a prominent leader of the republican party?—A. There is sometimes a way of answering a question by asking another.

Q. My question admits of an answer, yes or no.—A. I do not suppose that all republicans are honorable men, nor do I suppose that all democrats are. There are bad men in both parties; and men in both parties who can be bribed.

Q. It would shake your judgment if the man who did the shooting should turn out to be a republican?—A. No, sir.

Q. You would still believe that the attempted assassination originated with the democrats?—A. Yes, sir.

Q. Notwithstanding the fact that a republican might have done the deed?—A. I take the public sentiment of the press to be proof conclusive that it was political. You may take the country papers—

Q. Suppose Captain Yates had been the man that did the shooting, would you then be-

lieve that the attempted assassination was attributable to the feeling of democrats against him?

The WITNESS. Would you have me state to this committee that I believe Captain Yates to be such a bad man?

Mr. WOODBURN. I have not asked you that question.

A. It is not a supposable case. He has not done it.

Q. I am presenting a case for the purpose of testing your judgment upon these matters.—A. Excuse me, but that is a little overdrawing it, I think.

Q. Do you know of your own knowledge of any feeling of prejudice existing in the minds of the republicans in this parish against Captain Twitchell?—A. Not of my own personal knowledge.

Q. Have you heard from other republicans that there was such a prejudice?—A. I have.

Q. Then with that prejudice existing might it not be that his attempted assassination was attributable to some other cause than the mere fact that he was prominent in republican politics?—A. The prejudice that I refer to is not such a prejudice as would lead to anything of that kind.

Q. What was the nature of the prejudice?—A. He controlled matters without consulting some other individuals, and I have seen those individuals meet in council and concur in his ideas every time; so that I do not consider that any prejudice at all.

Q. Did not men in this community have a prejudice against him for the reason that he concentrated too many offices in his own person?—A. I never have heard so.

Q. Do you believe, as a citizen of the United States, familiar with the workings of this Government, that any republican or democrat, being a State senator, has any right to hold other offices aside from that? Do you think it is proper under the laws of the United States and under the policy of this Government? I ask you as an intelligent American, and as a republican.—A. I know no law prohibiting it.

Q. Is it not against public policy and the elementary principles of the law? Can Judge Broughton, the judge of this parish, who stands, as far as office is concerned, on the same footing with Mr. Twitchell as State senator, can he be a United States commissioner or a member of the police-jury under the laws of any State in the Union?—A. I am free to state this, that there are some offices that would be incompatible with holding of other offices at the same time.

Q. But can a man be United States commissioner and hold other offices in the gift of the people of the State?—A. I am not a lawyer.

Q. It does not require a man to be a lawyer to know that.—A. I am willing to confess my ignorance of that matter.

Q. Is there not a general dissatisfaction pervading the minds of this people with the management of parochial affairs of this parish by Mr. Twitchell?—A. I know very well that there is a political prejudice against Captain Twitchell.

Q. Outside of politics was there not a feeling of discontent?—A. I have inquired very diligently—

Q. I have not asked about politics in this question. I have asked, regardless of politics, was there not a feeling of discontent among the property-holders, at their excessive taxes?—A. I have heard complaints against most of the officers in this parish. I have not heard Captain Twitchell's name mentioned.

Q. Did they not feel, regardless of politics, that the school-fund was mismanaged?—A. I have not heard so.

Q. Did they believe that there was something wrong about the court-house contracts?—A. I recollect a short time ago there was a suit brought against Mr. Cisro and Mr. Twitchell in regard to court-house bonds. That is all I know about that. That is matter of record.

Q. Have you ever heard the charge made against Mr. Twitchell of receiving money collected by the tax-collector?—A. I have never heard any complaint on that score.

Q. Do you know it to be the fact that he did receive money paid for taxes?—A. The first time I heard of that was the day when Mr. Brown [?] testified before the committee. He did not seem to find any fault with it, and I am certain I do not.

Q. Was it proper, in your judgment as a citizen, that a man who was not the tax-collector should be the recipient of money collected in that way?—A. I believe the tax-collector is responsible for the proper discharge of his duty, and he has a right, under the law, to deposit the money with whomsoever he is disposed to trust.

Q. He has the right to deposit it in the hands of anybody, on the same principle that he would deposit it in a bank, for safe-keeping?—A. I do not know that any money has been deposited with Captain Twitchell.

Q. Is it not his duty to turn all the money collected over to some other officer of the government, in order that it be placed in the treasury?—A. Yes, sir, that is his duty; but there is nothing in the law that restricts him as to the number of hands it goes through until it gets into the treasury; so it gets into the treasury, it is all right.

Q. Is it proper for an officer to allow it to go through the hands of individuals, when it is his duty to place it in the treasury?—A. I believe it is.

Q. If you were the tax-collector, would you deem it your duty, after receiving money for taxes on real estate, to transfer it to me for safe-keeping?—A. I have a perfect right to de-

posit in any safe that I choose the money that I receive, and I am strictly accountable for its getting into the hands of the treasurer. If my settlements are made at the end of my year, and I get a quietus, no matter whose hands it has gone through in the mean time, I am clear, and have done my duty.

Q. Have you ever heard a charge made against Mr. Twitchell by reason of the improper disposition of the school-fund?—A. No.

Q. Have you ever heard of his paying out money on blank receipts?—A. No, sir.

Q. Do you believe these gentlemen who have sworn to that have perjured themselves?—A. I think you are making me judge. You are asking me to sit here in judgment upon the evidence of other people.

Q. I ask you if you believe it is true? You have heard the testimony of Captain Yates in reference to the court-house contract?—A. Part of it. I did not hear all the testimony.

Q. Do you believe it was proper after Mr. Yates took the contract for Mr. Twitchell to take the contract off his hands and be the recipient of the money which was realized from the sale of the court-house bonds, when he was not a party to the contract?—A. I was in the room but was not listening part of the time to his testimony, and I cannot tell you what his testimony was.

Q. Have you ever heard any complaint made against Mr. Twitchell on account of that court-house contract?—A. No, sir.

Q. Have you ever heard that there was anything improper or fraudulent about it?—A. No, sir. No gentleman has ever in this parish talked to me about it.

Q. Then Mr. Twitchell stands in this community perfectly free from any imputation as to his honesty or conduct in office?—A. As to his honesty, I think so.

Q. Have you heard the testimony here in relation to the levee contract?—A. A portion of it; I asked some questions in regard to it.

Q. If that testimony be true do you believe that Mr. Twitchell acted in accordance with the law?—A. I have no doubt but what he did act in accordance with the law. Understand me distinctly. I am not judging of the testimony that parties have given. I am not judge of anybody's testimony.

Q. If there were an appropriation of \$10,000 to build a certain portion of the levee, only \$2,000 expended and the \$8,000 went into the custody or possession of Mr. Twitchell, do you believe that that was a proper transaction?—A. With all due deference to the committee, it seems to me that you are asking me to give judgment upon suppositions.

Q. I only ask you this question for the purpose of testing your assertions before the committee—for the purpose of testing your judgment, because you are before this committee as an intelligent man.—A. That is rather a delicate situation to place a man in, and I would prefer not to answer such questions.

Q. If it were true, would it not be liable to create hard feeling against any man in this community who would be guilty of such a transaction?—A. If it were true it might.

Q. Would it not be liable to create such feeling, regardless of politics?—A. I think it might.

By Mr. VANCE:

Q. Do you know whether Captain Twitchell at one time had a correspondence with Mr. Brewster, of Monroe, La.?—A. I have no knowledge. I know Mr. Brewster very well, but if that took place it probably took place before I came in the parish. I have only been here a year the tenth of May last.

Q. To which political party does Mr. Brewster belong?—A. He is a republican.

Q. Are you acquainted with Mr. Brewster's handwriting?—A. I am not. I have seen several of his letters, but it has been some time since, probably two or three years, and I would not be able to recognize his writing from that of any one else.

Q. You have been in this parish since May, 1875?—A. Yes, sir; I arrived here on the 12th day of May.

Q. What official positions have you held since you arrived in the parish?—A. I came here as clerk of the census, to take the census for this parish.

Q. Did you travel through the parish?—A. I did; up and down the river on both sides. I had the river district, and the other clerk had the country district.

Q. Did you meet the citizens of this section generally as you traveled?—A. Yes, sir; when they were at home. I went to every house.

Q. Did you meet with insults, or did you meet with a kindly and cordial reception?—A. I was met very kindly.

Q. There were no objections offered to you by reason of politics?—A. No; they did not consider that a political matter at all, and I did not.

Q. You came here as an officer?—A. I did.

Q. Since that time what offices, if any, have you filled?—A. Recently I have been on the police-jury. I have served two or three sessions on the police-jury.

Q. Are you a member of it at present?—A. Yes, sir.

Q. Through whose influence were you appointed?—A. M. H. Twitchell's, I think.

Q. Are you at present living with Mr. Twitchell?—A. I have been attending on him since he was wounded—nursing him.

Q. You were near at hand the morning of the shooting?—A. I was on the opposite bank.

Q. You witnessed the occurrence?—A. I was there just after the shooting commenced.

Q. You have stated that Mr. Twitchell has been execrated solely on account of his political views?—A. I do not think I ever said that he had been execrated at all.

Q. Well, held in bad repute.—A. There have been political prejudices against him; I am satisfied of that.

Q. During the contest between Mr. Twitchell and Captain Yates in the campaign of 1874, did not Mr. Twitchell have it in his power to make himself very popular with the people of this parish?—A. I was not here at that time.

Q. You have also stated that a great many democrats of this parish and State entertained the opinion that it was the object of the republican party to place the colored man above the white man. Be kind enough to state to the committee who entertained such opinions?—A. I could not individualize anybody; the sentiment is expressed sometimes in my hearing.

Q. Who has expressed that opinion?—A. I would rather not individualize.

Q. Do you know of anybody in the parish who has thought that?—A. I think I do.

Q. Do you refuse to state?—A. There is this: I am of the honest opinion that if I individualize it would only increase the prejudice. It will not benefit the case one way or the other.

Q. Were you offered any inducements to come to this parish?—A. Not the slightest, except that I was working for a living, and needed employment, and I accepted this employment that I have mentioned. It was a very small matter.

Q. What occupation, if any, have you had outside of public employment since you have been in the parish?—A. Teaching public school the last two years.

Q. In this parish?—A. Not in this parish.

Q. I speak of this parish.—A. The census business only lasted two months. I received \$3.50 a day in State warrants; and when I got through with that business I looked around for other employment. I taught school about three months, I reckon.

Q. Have you taught the school yourself, or have you had substitutes?—A. I have taught it myself. I have an assistant now, and for a short time I have not been there.

Q. And the assistant has been doing your work?—A. He has been keeping the school, and doing his own work. The object of an assistant is to assist me while I am not present, and if I am present he can attend to his own business.

Q. What salary do you pay this assistant?—A. I made arrangements with him to receive \$25 a month.

Q. What do you receive?—A. I receive \$75 a month.

Q. Have you been regularly for one week or more at that school since it began?—A. Yes, sir; I have been there regularly, I think, about six weeks since it began the last term.

Q. When did it begin?—A. I think the first term began in November and continued four months.

Q. When did the last term begin?—A. It commenced in the latter part of March or first of April; I could not tell exactly without looking at the date.

Q. Where did you reside up to the 2d of May last?—A. I had been stopping at Starlight plantation.

Q. Is Starlight Mr. Twitchell's residence?—A. Yes, sir; Mr. Twitchell had only been home a day and a half before he was shot.

Q. Where is the school-house where you have taught?—A. It is down here by the levee; about half a mile from here, I think.

Q. What is the distance between Starlight and the school-house?—A. I think about two miles and a half; may be three miles.

Q. Do you know whether Mrs. Willis, a sister of Mr. Twitchell, has a school at Starlight plantation, or near there?—A. I think she commenced a school there some time ago.

Q. Has she not employed a substitute to teach her school?—A. I do not know; I think she has an assistant, but I am not certain.

Q. Is not John Turney's daughter assisting her?—A. I think she assisted her while the school was going on.

Q. What pay did Mrs. Willis receive?—A. I do not know.

Q. Has she not, in effect, employed John Turney's daughter to teach this school for six dollars a month?—A. I do not know the arrangement; I visited the school once and saw this young girl there.

Q. Does not this girl teach this school at six dollars a month; and does not Mrs. Willis get a very much higher salary?—A. As I told you, I do not know the prices of either.

COUSHATTA, LA., June 8, 1876.

WILLIAM S. LEWIS sworn and examined.

By Mr. WOODBURN:

Question. How long have you resided in this parish?—Answer. Only a few months.

Q. How long have you lived in the State?—A. Since I was about eight or nine years old.

Q. Did you live in an adjoining parish before you came here?—A. Not exactly an adjoining parish; I lived in Webster Parish, formerly Claiborne.

Q. In what business are you engaged?—A. I am farming in this parish.

Q. What is the extent of your acquaintance in this parish?—A. It is rather limited.

Q. What are your politics, republican or democratic?—A. I am a republican.

Q. Are you acquainted with the prominent men of the republican party in this parish?—A. Slightly.

Q. Have you conversed to any extent with men of both parties upon political questions?—A. No, sir; not a great deal; I have had very little to do with politics since I came.

Q. Since your residence here have you any reason to believe that a man professing to be a republican, come from what section of the country he may, cannot live here without fear of personal danger?—A. I think it is owing to who the man is himself.

Q. If he behaved as a good citizen ought to, what would be the result in that case?—A. I should dread no violence.

Q. Is it not generally known in this community that you are a republican?—A. I suppose so. I always proclaim it when it becomes necessary.

Q. Have you proclaimed it frequently since you have resided in this parish?—A. No, sir; not frequently, I do not believe I have had as many as three political conversations since I have been here.

Q. Still you apprehend no danger to your person, as a republican?—A. None at all.

Q. Have you become acquainted with Captain Twitchell since your residence here?—A. I have met him once or twice before in New Orleans.

Q. Have you conversed with any persons here in reference to Captain Twitchell, and his political career in this parish, since you have been here?—A. Yes, sir; I have heard a great deal said, off and on.

Q. By men of both parties?—A. Yes, sir.

Q. What was the general feeling, regardless of politics, toward Mr. Twitchell, in reference to his management of affairs in this parish?—A. I believe from my information that they thought matters had been managed rather badly. I do not know that they attributed the bad management to him entirely.

Q. In part, probably?—A. Yes, sir; I think he has a full share of the blame.

Q. And consequently a feeling of discontent, and necessarily of prejudice to some extent, has arisen against him on that score?—A. I should think so.

COUSHATTA, June 8, 1876.

A. B. BROUGHTON sworn and examined.

By Mr. WOODBURN:

Question. How long have you resided in Red River Parish?—Answer. Since December, 1873.

Q. To what political party are you allied?—A. The republican.

Q. Have you been attached to that party ever since you came to this parish?—A. I have.

Q. Are you still a republican?—A. I am still a republican and expect to vote the republican ticket in the ensuing election.

Q. What position do you occupy?—A. I hold the office of parish judge.

Q. When were you elected to this office?—A. In 1874.

Q. Before or after the riot?—A. After the riot.

Q. How long after?—A. The riot was in August, and the election came off the first Monday in November.

Q. Were you occupied in making the canvass?—A. I organized a club and advocated the interests of the party.

Q. Did you make any speeches?—A. No, sir; I cannot say that I made any speeches.

Q. Was it notoriously known that you did organize clubs, or assist in doing so?—A. Yes, sir; it was notoriously known where I was living that I was a leader in the republican party.

Q. During that campaign, while you were organizing clubs, was any threat ever made against your person by any members of the opposite party?—A. None that I have ever heard of.

Q. Do you know whether or not you received any democratic votes in this parish?—A. I received several democratic votes.

Q. Has any complaint been made against you by any democrat since you have been in office?—A. I have not heard of it.

Q. Do you expect to run again for the same office?—A. I do not know that I shall, but I expect to be before the people for some position. I shall advocate the principles of my party.

Q. Since you have lived in this parish do you believe that a man professing to be a republican, coming from the North or any other section of the Union, can reside in this parish with safety to himself, provided he acts as becomes a good citizen?—A. I believe that any man who comes here and conducts himself as a gentleman will be received by these people.

Q. Even though he were active in politics?—A. Yes, sir.

Q. Using legitimate influences in procuring the success of his own party?—A. Yes, sir.

Q. Did you know Captain Twitchell?—A. Yes, sir; I have known him ever since 1868, when he first came to the State.

Q. I will ask if there was any prejudice existing in the minds of the people of Red River Parish against Captain Twitchell for any other cause than that he was a prominent leader of the republican party?—A. I have heard that there was considerable prejudice against him in regard to the management of parochial affairs.

Q. That prejudice would have obtained if a democrat exercised the same control and management of affairs, would it not?—A. I certainly think so.

Q. Then, if that be the case, you do not attribute the attempted assassination of Mr. Twitchell to any cause of a political character?—A. I think he has a great many personal enemies.

Q. If the feeling of the people of this parish were such that an active republican could not reside here without danger to his own person, outrages would have been liable to be committed on the persons of republicans within the last two years, or since the riot, would they not?—A. I think so.

Q. But none have been committed to your knowledge?—A. None that I know of.

Q. Do you know any other republican, white or black, that has been threatened with violence at the hands of democrats by reason of his political principles, during the last two years?—A. None; but I have heard parties complain of the conduct of different individuals, not on account of their political sentiments.

Q. On account of their actions in office?—A. On account of their actions in office.

Q. Do you know of this association called the Property-holders and Laborers' Union?—A. Yes, sir.

Q. Do you know whether it is an oath-bound organization or not?—A. It is an open organization.

Q. A member takes no oath?—A. No, sir.

Q. What is the object of the organization?—A. It is ostensibly for the purpose of recommending measures for the correction of certain evils existing within the parish.

Q. Are you a member of that organization?—A. I am.

Q. Have you ever heard any political questions discussed in that organization?—A. I never have.

Q. Do you know whether or not an invitation was extended by members of that association to men of all parties to come and join it?—A. I know an invitation was given, and I urged republicans to come and look on and join this club and take an active part so far as they could.

Q. How many republican members belong to that association?—A. Several colored men came in and some white men.

Q. Do you know whether they became members in the manner described by Mr. Bosly, through fears of intimidation or through fears of violence in the future?—A. I do not know of any such.

Q. What were the principal causes of grievance?

The WITNESS. Throughout this parish?

Mr. WOODBURN. Yes, sir.

A. Mr. Twitchell built the court-house and jail, had the management of the assessment of taxes and of the school-fund, and of the manipulation of offices.

Q. Is it a fact that Mr. Twitchell was prominent in the management of these affairs you have mentioned?—A. Certainly, he was; neither republicans nor democrats deny it.

Q. Do you know who was instrumental in getting the contract for Mr. Yates for the building of the court-house?—A. I was not in the parish at the time of the letting of that contract, but I heard Mr. Yates's statement about it. He has told me often how he got it.

Q. How was the school-fund managed?—A. Captain Twitchell was president of the school-board; his brother was treasurer at one time, but Captain Twitchell was disbursing officer. He acted for the school-board entirely in hiring teachers. He ignored the rights of the board, and hired teachers at his own option, and a class of teachers as a general thing who were not acceptable to the patrons of the schools.

Q. By reason of want of qualification?—A. By reason of want of qualification. The grade of the teachers was not good as a general thing.

Q. Do you know of any blank receipts ever being signed?—A. Yes, sir; I signed one myself.

Q. At whose instigation?—A. Captain Twitchell's.

Q. Do you know what amount was ever inserted in that blank receipt?—A. Yes, sir.

Q. What was the amount?—A. The proper amount that I was to get.

Q. Do you know whether that proper amount was ever paid the school-teacher?—A. I received it. I was the school-teacher.

Q. Do you know any other cases where receipts were signed for the proper amount, and the school-teachers did not receive the sum of money named in the receipts?—A. I do not.

Q. Have you heard of any such instances?—A. I have heard of instances of the kind in the parish.

Q. As a lawyer I will ask you this question: Can a man occupy the office of United States commissioner and hold the office of State senator at the same time?—A. I do not think he would be complying with the laws of the country if he did so.

Q. Is it not in direct violation of the spirit of American institutions and of the laws of the land?—A. I think so.

Q. Can a man be State senator for a district and also be a supervisor or member of the police-jury for a parish in that district?—A. I have never known it before.

Q. Is there any enactment of the State legislature providing that a man can hold two such offices?—A. No, sir; the constitution of the State provides that the offices of justice of the peace and police-juror can be held by the same man at the same time.

Q. But that is the only provision on the subject?—A. Yes, sir.

Q. In the absence of any statute of the State providing for such a combination of offices, is not the general law opposed to a man holding the office of State senator and police-juror?—A. Yes, sir; that is the purport of the law.

Q. Was not the concentration of so many offices in his own person a subject of discontent among these people?—A. It was, by the republicans and democrats.

Q. Was not the fact that he appointed his own relatives to many important offices another source of discontent?—A. I think every male relative he had had a position.

Q. Were they competent to transact the duties of the offices to which they were appointed, and were they so regarded by the people?—A. I have heard republicans say that they were not competent. They all acknowledge it.

Q. Then you do not believe that the attempted assassination of Captain Twitchell was attributable to the fact that he was an active and prominent member of the republican party?—A. I should think it would be attributable more to causes arising out of the general dissatisfaction throughout the parish as to the management of parochial affairs. I know the republicans throughout North Louisiana, and I know they can advocate this cause anywhere. Judge Turner, of Bossier; Judge Trimble, George L. Smith, and many that have conducted themselves properly, have had no difficulty.

By Mr. VANCE:

Q. You have stated that at one time you taught school here. Did you have any difficulty in getting your money for teaching?—A. I was kept out of my money some six months, I guess.

Q. To whom did you attribute the delay in getting your money?—A. To Captain Twitchell, who managed the whole financial business of the school-board.

Q. Was there money at his disposition to pay you promptly?—A. He said to me on the 18th day of July, when I saw him for the purpose of getting my pay, that he was going to the city; that he had lent to the treasurer or president of the board of Bienville Parish, Mr. Coleman, \$200 to pay some drafts for school-teachers in his parish; that consequently he was short of funds, and would have to go to the city to draw the last quarter's money; that he would be back by the 15th of September, by which time he would be able to pay me.

Q. Did he pay you at that time?—A. No, sir.

Q. When did he pay you?—A. He paid me, I think, about the 6th or 7th of February, 1875.

Q. In what manner did he pay you?—A. He gave me his draft on the bank.

Q. As an officer of the parish?—A. No, sir; as a private individual.

Q. He gave you his private check for money upon a bank in New Orleans?—A. Yes, sir.

Q. What bank was it, if you remember?—A. I do not remember.

Q. What has been the cost to the people of this parish of the court-house and jail, from the best sources of information that you have been able to get?—A. I find that the people paid into the treasury the first year, (1871,) \$9,000 and something over; in the spring of 1872 the police-jury levied a tax of two and one-half mills for the purpose of building a court-house and jail, and in the fall they levied a special tax of eight mills, provided the special tax was paid by a certain time. That went to the general fund, and all that was not paid by a certain date went for the purpose of building the court-house and jail; that makes ten and one-half mills, which would make somewhere about \$14,000 for that court-house and jail in one year. Adding to that \$9,000, would make some \$23,000. Then the police-jury issued warrants to the amount of \$22,600 for the building of the court-house and jail. They then sold bonds to the amount of \$20,000 for the building of the court-house and jail.

Q. Making a total cost of about how much?—A. It would amount to about \$65,000. They may have taken a portion of the tax that was received to pay part of those warrants. I do not know how that was; but those warrants were issued.

Q. What, then, according to that estimate, would it be?—A. I should say about \$40,000, or somewhere along there, had been collected from the people.

Q. To pay for this court-house and jail?—A. Yes, sir.

Q. What was the real cost of this building, according to the best evidence you have ; not what was paid for it, but the real cost of building the jail and court-house ?—A. I have heard gentlemen who seemed to have some ideas of the work, and they said they could have put up the whole of it for \$15,000.

By Mr. MUDGETT :

Q. Do you know that Captain Twitchell has ever had any personal difficulty with any person since his residence in this parish ?—A. No, sir ; only I have heard this Mr. Todd make harsh remarks about him ; I don't know whether they ever had a personal difficulty or not.

COUSHATTA, LA., June 8, 1876.

BENJAMIN PERROW sworn and examined.

By Mr. WOODBURN :

Question. How long have you resided in this parish ?—Answer. Ever since 1853.

Q. To what political party are you attached ?—A. I have been a member of the republican party.

Q. And you are still a member ?—A. Yes, sir.

Q. Do you occupy any political position in this parish ?—A. No more than police-juror.

Q. When were you appointed a police-juror, or were you elected by the people ?—A. I was appointed first in 1875 on a vacancy caused by the death of one of the members.

Q. Do you hold any other position in this parish ?—A. I am a member of the school-board.

Q. Were you appointed or elected to that position ?—A. Appointed.

Q. By whom ?—A. By Mr. Kellogg's administration.

Q. Upon whose recommendation ?—A. Of course it must have been Mr. Twitchell's.

Q. You have been prominent in republican politics, have you not ?—A. I have been here with them all the time.

Q. State if since the riot of 1874 you have been molested in any way, or if violence has been threatened to your person, by members of the opposite party, by reason of the fact that you are a republican ?—A. I have heard such a thing personally to my face.

Q. Have you ever heard of any threats being made by members of the democratic party, from any persons that were reliable, whose judgment and truth you could confide in ?—A. Yes, sir.

Q. Who ever told you ?—A. Mr. Miller told me. He was a man of truth. I rode with him the other day when he was returning from Natchitoches, and between Grand Ecore and Campte a gentleman was asking him in relation to the shooting scrape up here, and he told him he did not know much about it, and he stated that it was a thing that he expected—that they were going to kill out all the republican party, and were not going to be very long about it.

Q. That was outside of this parish, was it not ?—A. Yes, sir ; he was on his way here.

Q. Have you, yourself, been treated courteously by men of the opposite party since you have been in office ?—A. Not to say personally to my face, but I have heard threats that I could rely upon.

Q. Do you rely upon the truth of these instances that he communicated to you ?—A. I could not rely upon all of them.

Q. You know the people here in Coushatta and about the town ?

The WITNESS. The general mass of the people ?

Mr. WOODBURN. Yes.

A. Yes, sir ; I know pretty much all of them.

Q. Do you know the people generally who are now here in the court-house ?—A. I know a good many faces, a large majority of them.

Q. Do you apprehend any violence from these people should you still persist in being a republican, and participating in the ensuing campaign ?—A. Yes, sir, I do.

Q. From whom ?—A. From the opposite party.

Q. From the party as a whole, or from individuals in the party ?—A. The leading characters, I suppose.

Q. Who are the leading characters ?—A. I could not say, really, who are the leading characters, but you know there are some good and some bad in all parties.

Q. It is only from the bad men in the democratic party that you apprehend any danger, or expect any violence ?—A. Yes, sir.

Q. Can you name some of these bad men ?—A. I could not name them now.

Q. You have been undisturbed for several years here ?—A. Yes, sir.

Q. Do you know of your own knowledge of any republican, white or black, in this community for the last two years, that has been molested in any way by any members of the democratic party ?—A. Not that I could really say.

Q. Do you know of any republicans, white or colored, that have been driven out of this community in the last two years by reason of their politics ?—A. Yes, sir.

Q. Name some of them.—A. In two years—it is 1876 now.

Q. Say since the riot in 1874?—A. Since the riot, I have not.

Q. I will ask you to state if the shooting of Mr. Dickson by a colored man, the night before the riot took place, near Homer Twitchell's house, did not mainly lead to the riot of next day?—A. No, sir; I do not think so.

Q. Do you not think it had something to do with it?—A. No, sir.

Q. Nothing whatever?—A. No, sir.

Q. You think the riot would have occurred in any event?—A. Yes, sir.

Q. What do you base your opinion upon?—A. My opinion is based upon this: I was in Natchitoches at the time, but prior to that time there was another man killed down about five or six miles from here; he was taken out of his house and shot.

Q. How long before that time?—A. It was not a week before; I left here on Tuesday for Natchitoches to go to the convention, and I think on the following Wednesday night or Thursday the difficulty took place here in Coushatta.

Q. Did you receive any democratic votes when you were elected?—A. I don't know. I have the confidence of everybody so far as I know.

Q. You are in no danger yourself?—A. I would be in danger, I think, if I would support others. I do not believe any person here has got any prejudices against my person. If there is it is more than I know; but I believe by supporting the republican party it might probably lead to some danger.

Q. Do you believe there is any more prejudice existing in this parish between the men of both parties than exists in any other locality?—A. We hear of some difficulty in various portions, but we do not hear of so much as has taken place here.

Q. Is there a general feeling of discontent or a strong feeling of prejudice pervading the minds of some republicans here, as well as democrats, in relation to the way the affairs of this parish have been managed?—A. I could not really say that.

Q. Have you never heard that question discussed?—A. No, sir: the most I have heard has been speaking about how desperately people seems to be here.

Q. Have you never heard of the way the funds of the parish have been disposed of?—A. Yes, sir.

Q. Have you ever heard the court-house contract spoken of?—A. Yes, sir.

Q. The school-fund, too?—A. Yes, sir.

Q. Have you ever heard people talk about heavy taxes and the way the property was assessed?—A. Yes, sir.

Q. Were not all these things, when combined, calculated to create a feeling of discontent, and did they not?—A. It seemed that was the great 'content, but, at the same time—

Q. If that caused a general feeling of prejudice, politics had nothing to do with it?—A. At the same time when they investigated the matters they found the accounts was all straight.

Q. How do you know that?—A. They did investigate it here. It has not been over two months ago, if I don't mistake. The tax-payers of the parish investigated it, and recognized the report of the tax-collector being true.

Q. Did you ever hear these levee-contracts spoken of?—A. Not really; partly.

Q. Do you know about the amounts of money that were appropriated for the building of levees along the borders of this parish?—A. No, sir.

By Mr. VANCE:

Q. Do you know whether there is an organization here known as the Property-holders and Laborers' Union?—A. I have known that they were making an effort to get it up; I did not know whether they accomplished it or not.

Q. Do you know the object of that association?—A. I received a notice to become a member of it, but I told the gentleman that waited upon me that time that I feared there might be some trouble in it, and I would wait until I saw further.

Q. Do you know whether that association has for its object the devising of means to remove the troubles under which the people of this parish have labored—the heavy taxes and that kind of trouble?—A. No, sir.

Q. Do you know that that association recommended you for tax-collector of this parish?—A. Yes, sir.

Q. You heard that?—A. Yes, sir.

Q. Why did you expect trouble should you join it?—A. The reason why I expected trouble was because, in the first place, I knew I was not competent to fill the position, and consequently I would have to employ a deputy, and that deputy might get away with me and cause me to get into trouble.

Q. That was your reason for not joining?—A. That was one of my reasons.

Q. Have you any other reasons?—A. I feared I could not please the people, and it might raise a prejudice against me.

Q. You were satisfied that there were no politics in it?—A. I was satisfied of that part.

Q. You were satisfied that they really wanted to employ you as a tax-collector; that they were honest in their desire because they believed you to be an honest man?—A. Yes, sir; that is what they said to me.

By Mr. WOODBURN:

Q. You are a minister of the gospel, are you not?—A. Yes, sir.

Q. A minister ought to be intelligent enough to collect taxes, ought he not?—A. The Bible and some other things do not run together.

Q. Did you think of that when you accepted the position of police-juror?—A. Yes, sir, I did; I mentioned it.

Q. But still you did not object to taking the position?—A. I mentioned that I did not want to take hold of it if it came in conflict with my ministrations, but I thought if I could do any good for the people at large in a place of that kind I would do it.

By Mr. VANCE:

Q. After the resignation of Mr. King as chairman of the police-jury, did you object to the election of Mr. Twitchell to that place?—A. Yes, sir.

Q. Why did you object?—A. My objection was because he was often in New Orleans; at the session of the senate there he would be there two months anyway; and oftentimes he would have business here that needed to be attended to, and I thought if he was elected president we could not transact any business in his absence.

Q. Was he elected despite your protest?—A. Yes, sir; by the majority.

Q. Was Mr. Twitchell absent from here a great deal of the time when the senate was not in session?—A. He was very often to the city, backward and forward, and more lately than he was before.

Q. Was Mr. Twitchell elected president of the police-jury before you got through making your protest?—A. No, sir; I rose and stated my reasons for objecting to his being president, and the majority proceeded to pass the vote that he be elected.

Q. How many were present at the time?—A. I suppose there was only four of us present at the time.

Q. Who was absent?—A. Mr. Watts was absent.

Q. Did he have notice to attend?—A. The bayou was up so that he could not get here.

Q. Did he have notice?—A. I think they said they tried to get notice to him. They started the message, but, they said, there was no way to get to him without swimming.

COUSHATTA LA., June 8, 1876.

JULES LISSO sworn and examined.

By Mr. VANCE:

Question. Are you a resident of Coushatta?—Answer. I am.

Q. How long have you resided here and in this neighborhood?—A. Twenty-three years.

Q. Are you engaged in active business here?—A. I am.

Q. Have you been a business-man since you came here?—A. Ever since I am in this country.

Q. Are you acquainted with the people of this parish?—A. I believe I am.

Q. If a republican should come here from the North, and conduct himself as an honest and upright citizen, and advocate publicly and privately the principles of his party, would he be liable to personal danger or intimidation?—A. I do not think he would, judging from previous occasions here.

Q. Are you acquainted with Mr. Twitchell?—A. I am.

Q. Have you financial confidence in him?—A. I have the utmost.

Q. Have you confidence in him as a politician?—A. Not at all.

Q. How was Mr. Twitchell received by the citizens of that parish when he first came here?—A. He was received, generally, hospitably and kindly. He visited our house, and I have seen him visit the house of Mr. Abney; he went there, I presume, several times and visited.

Q. He was received, therefore, as any other gentleman would have been received?—A. Yes, sir.

Q. Was there any objection raised to him by the people at large on account of his political views?—A. The democratic party naturally opposed him as a politician, which is a general thing.

Q. Was there any personal opposition to him?—A. None at all.

Q. When he was a candidate for the State senate, before the organization of this parish, did he receive democratic support in the town of Coushatta?—A. In 1870, before this parish was formed, Mr. Twitchell ran for senator for the first time, and received at that time the support of a good many democrats, for the purpose of forming this new parish. It was thought at that time that, by the election of Mr. Twitchell, the new parish would be formed, and several democrats voted for him for that reason.

Q. In your judgment was Mr. Twitchell shot on the 2d of May for political reasons?—A. I can hardly believe that it was for political reasons.

Q. What is your judgment in the matter?—A. I think it cannot be for political reasons, because there are no politics now in the country. He has been here and has not been molested, and I cannot see why he should be right now for political reasons. Particularly I do

not think that a thing of that kind could be kept secret. I do not believe there is a man in the parish who did the shooting.

Q. Has Mr. Twitchell had much to do with the affairs of the parish since its organization?—A. He has had all to do.

Q. How many of his relations have been in office, and what positions do they occupy?—A. Every relative that he had had an office, and sometimes several offices.

Q. Will you be kind enough to name some of them?—A. His brother, Homer J. Twitchell, was recorder at one time; afterward he was tax-collector and treasurer of the school-board. I believe that is all the offices he held, so far as I know. His brother-in-law, George A. King, was a member and president of the police-jury, tax-collector, and high constable. I understand previous to that he was mayor of the town of Coushatta.

Q. Did he hold all these offices at one and the same time?—A. Yes, sir. I don't know whether he held the offices of mayor and member of the police-jury together, but I know he did hold all these offices together at the same time.

Q. Who is next?—A. His brother-in-law, Clark Holland, was supervisor of registration; his brother-in-law, Willis, was justice of the peace.

Q. Do you remember any others of his relatives at this time who held office?—A. I don't know whether Scott was a relative of his or not. He was deputy United States marshal, and staid at Twitchell's house.

Q. Had the management of parochial affairs by Mr. Twitchell been such as to cause great complaint and uneasiness among the people, particularly the tax-payers of the parish?—A. The people first opposed Mr. Twitchell on account of not distributing the offices of the parish as they should be; that is, whenever any office was to be filled he would bring his relations on, or would bring strangers from New Orleans to fill them. That was the first cause of dissatisfaction in the parish.

Q. After that did dissatisfaction spring up?—A. Dissatisfaction sprang up on account of his rather extravagant management of parochial affairs, I think.

Q. We have some testimony in regard to the construction of the court-house and jail. Have you any explanation upon that point that you would like to give?—A. I do not know that I have. I know nothing about the jail. The court-house contract was given out to John T. Yates. He applied for and obtained the contract. There were several bids in. Abney & Love made a bid for it. I do not know what the amount of their bid was, but it was rejected, and John T. Yates's bid was received. Mr. Yates came to Lisso Brothers after he took the contract, and stated that he had no funds, and that if Lisso Brothers would furnish him money the profits should be divided. That was after the contract had been given to him. Lisso Brothers did furnish the money.

Q. When you came to make the settlement of the account, with whom did you settle?—A. Some time afterward, I believe, Mr. Yates and Mr. Twitchell both came in there when the final settlement was to be had, and Yates says: "The profits, if any accrue, you will turn over to Twitchell." They had had several transactions together, from what I could understand, and Yates, owing him money, he turned the profits over to Twitchell. I want to make one correction of Judge Broughton's statement this morning. He stated that the police-jury issued \$22,600 in warrants. I merely want to make this statement: that this amount of currency was in the treasury. The warrants were made by the police-jury in order to draw out this money. Consequently it could not be added to the amount of currency on hand.

By Mr. MUDGETT:

Q. Captain Twitchell, as you say, had control of parochial affairs; who was the parish treasurer?—A. I was parish treasurer.

Q. Have you been parish treasurer during the entire time?—A. No, sir.

Q. How long since you became treasurer?—A. I became treasurer at the formation of the parish, and held the office until last year; but, as parish treasurer, my duties were plain. The tax-collector deposited the money for which I gave him a receipt. Whenever the police-jury drew money they issued their warrants, and upon those warrants I paid the money out. I was merely the custodian of the funds of the parish.

Q. Could Captain Twitchell, as president of the police-jury, misappropriate any of the funds of the parish without the knowledge of the parish treasurer?—A. He might make a donation to President Grant of \$10,000, if the warrant is drawn, signed by the president of the police-jury and countersigned by the clerk; in that case the parish treasurer is obliged to pay it.

Q. You were simply the custodian of the money and paid the warrants drawn upon you, without questioning for what purpose they were drawn?—A. Yes, sir.

By Mr. WOODBURN:

Q. How much money did you have in the treasury?—A. I think in all there was about \$21,000 in currency, during my administration from the formation of the parish.

By Mr. VANCE:

Q. Was the money collected always deposited with you, or were settlements made in other ways?—A. There was a portion of the funds collected in scrip, or warrants, and a portion of it in currency. That was paid to me in currency.

By Mr. MUDGETT:

Q. While you have been treasurer have you been present when settlements were made and scrip destroyed?—A. I have, several times.

Q. Do you know whether there has been more than one indictment found against Captain Twitchell by the grand jury of this parish?—A. I know of but one against him.

Q. Was this a joint indictment against Twitchell and yourself?—A. Yes, sir; but I want to state that there was a *nolle prosequi* entered in my case by the district attorney.

Q. If Captain Twitchell had been here, as well as yourself, state whether or not a *nolle prosequi* would have been entered in his case also?—A. Undoubtedly it would.

Q. The same influence that procured it for you would have procured it for him, had he been present?—A. Yes, sir; that indictment could never have been sustained.

ON BOARD STEAMER LOTUS No. 3,
Red River, La., June 8, 1876.

GEORGE W. CAWTHON sworn and examined.

By Mr. VANCE:

Question. Where do you reside?—Answer. In Coushatta.

Q. How long have you lived there?—A. Since the fall of 1871.

Q. Are you acquainted with the people of Red River Parish?—A. Yes, sir; the majority of the people in that parish.

Q. Do you recall the killing of Mr. King and the attempted assassination of Mr. Twitchell in May last?—A. Yes, sir; I was in Love & Scheen's store at the time.

Q. Were any offers made by the people of the town to pursue the murderer?—A. Yes, sir; I offered the services of myself and horse.

Q. Were your services accepted?—A. Yes, sir; and I afterward put a man in my place, who was accepted by the sheriff.

Q. Were those offers made by the citizens irrespective of party affiliations?—A. I do not know; there were a good many men offered their services.

Q. Did the democrats offer their services?—A. Yes, sir; all that I heard offer their services were democrats.

Q. In your opinion, you being acquainted with all the facts that are known to the people of Coushatta in regard to this matter, were Mr. King's death and Mr. Twitchell's attempted assassination caused by the fact that they were republicans?—A. No, sir; I think not.

Q. What, in your judgment, was the reason of the occurrence?—A. I think it must have been some personal enmity against Captain Twitchell, from the manner in which it was done.

Q. Had his conduct of parochial affairs been such as call forth criticism from the people of the parish, without regard to party?—A. Yes, sir.

Q. From your knowledge of the people of Red River Parish, is there any danger to be apprehended to a republican if he makes bold and free expression of his views as such?—A. No, sir; I do not think there is any danger at all.

Q. Suppose that he should advocate, in a dignified manner, his views from the stump, and attempt to poll the full vote of his party, would he then be in danger of personal violence?—A. I think not, from the fact that such has been the case in every election since the parish was created.

Q. Do you know whether or not any such organization as the White Man's League ever existed there?—A. No, sir; I do not know of it.

Q. Are you a member of the democratic party?—A. Yes, sir.

Q. If such an organization had existed would you have known it?—A. I think so.

Q. Are you acquainted with the fact that parties in your parish have been arrested through the instrumentality of Mr. Twitchell?—A. I was arrested myself in 1874.

Q. Were there any charges against you?—A. Yes, sir; I was charged with conspiracy to murder.

Q. What was done with your case?—A. I was kept under arrest nineteen days, I think, and then was released on \$5,000 bond.

Q. Did you have a preliminary examination?—A. No, sir; we demanded one of Captain Twitchell, as United States commissioner, but he refused it.

Q. Did you see the affidavit against you?—A. I saw the warrant, not the affidavit.

Q. Has the matter ever been disposed of?—A. No, sir.

Q. Did you ever know of the arrest of Mr. P. H. Collins?—A. Mr. Collins was arrested after I was released on bond, and I went down to Captain Twitchell and asked Mr. Newman and Mr. Brewer to go on his bond. Twitchell told me he would take any one on Mr. Collins's bond whose name was on the assessment-roll for \$5,000.

Q. Where did Mr. Collins reside?—A. About twelve miles from Coushatta.

Q. Was he a farmer by occupation?—A. Yes, sir.

Q. Was he a peaceable man?—A. Yes, sir, so far as I know. I never heard anything against him.

Q. What reason did Mr. Twitchell give you for the arrest of Mr. Collins?—A. He remarked that if Collins had behaved himself he would not have been arrested. I asked him what he had done. He remarked nothing, only he had taken down the names of some republican voters on the day of the election.

Q. Was there any other act charged against him?—A. That is all I heard of.

Q. Was anything done with Mr. Collins?—A. He was released on bond.

Q. Do you recollect the assessment of real estate in 1872 and 1873?—A. Yes, sir; my house and lot in Coushatta were assessed in 1872 at \$1,000, and in 1873 the same property, though no more improvements were on it, was assessed at \$2,500. I went to them to get them to reduce the assessment, which they did to \$1,200. I gave in the property in 1872 at \$1,000, and in 1873 the same board of assessors put it at \$2,500.

Q. Was there any intimidation on the part of republican leaders shown toward democrats in the election of 1874?—A. I understood there was. I was under arrest, and a great many persons did not come to vote, who stated, as a reason, that they were afraid of being arrested. There were a great many warrants out for persons in the parish.

Q. Were those men innocent of any crime?—A. So far as I knew, they were.

Q. Were they reputable and good citizens?—A. Yes, sir; some of the best citizens in the parish.

ON BOARD STEAMER LOTUS No. 3,
Red River, La., June 8, 1876.

JAMES F. PIERSON sworn and examined.

By Mr. VANCE:

Question. Are you a resident of Coushatta?—Answer. I am.

Q. Are you a practicing attorney in that town?—A. I am.

Q. Are you acquainted with the people of Red River Parish?—A. Extensively.

Q. State briefly the circumstances connected with the death of King, and the shooting of Mr. Twitchell, on the 2d of May last.—A. I did not witness the scene myself. I was upon the street a few minutes afterward. I heard the firing of a gun, and a servant boy came to the house where I was writing a letter, and informed me that there was fighting in town. I got my hat and immediately went out on the street. Before I got any distance I heard that Mr. King and Mr. Twitchell were both killed in the river. I hurried on to the scene, and five minutes afterward, I suppose, I got there, about the time the crowd commenced assembling, and found King killed, and that Twitchell had been landed on the opposite side of the river from where I first reached the bank of the river. I immediately went over and saw Mr. Twitchell carried into an adjoining negro house. A white man, Mr. Arrington, who lives just across the river, offered his house for that purpose, but they took him into a negro cabin on Mr. Arrington's premises. I recrossed the river and found considerable excitement in town. Almost everybody was surprised at the transaction, and there was a good deal of inquiry as to who the stranger could be, to ascertain the particulars, and whether anybody knew and recognized him. When I got back across the river I made inquiry if any efforts were being made to apprehend him. I met first the deputy sheriff. I understood the sheriff was not in town. I asked the deputy sheriff what was being done. He said, nothing. I asked him if he did not think that it was his duty to do something. He said he did not know, and asked me what to do. I told him to organize a party and go in pursuit. He asked me about a posse, and I told him anybody would go with him, and that I for one would go. I had a horse and wagon at my house, and I told him I would go, and I would guarantee that any other citizen would. Several spoke up—as many as a dozen—and said they would go anywhere. There was a posse of about a dozen men made up immediately to go. We got up to the stable and were fixing to get horses from the livery-stable, and making arrangements to get horses from above town, and to get some wagons. While there we ascertained from a gentleman present that there was some dissatisfaction about a democratic posse going in pursuit of a man who had attempted the assassination of Mr. Twitchell, who was the leading republican in Red River Parish, and that Mr. Wester had said if democrats would let him alone and let him go with the deputy sheriff and one other man whom he would select, he could catch him and bring him back. We held some little consultation there, and I went back down street a little way and found the sheriff riding into town. I hailed him and told him he ought to organize a party and go in pursuit. He said he had no warrant. I told him that made no difference; that his deputy could get a warrant and overtake him. In the mean time I told him not to delay the arrangements for getting up his posse for the purpose of getting a warrant. The sheriff left me and went off down the street. I told him that my horse and wagon were at his disposal. A short time afterward he met a man by my house who kept a wagon and horse, which he let him have. The posse finally got together and rode out of town. I saw the posse return about 9 o'clock in the evening of the same day. They had gone about ten or twelve miles in the country, and reported that they had failed to make any discoveries of the trail, any further than about six miles out they found where he had taken the woods near Coushatta Bayou, in the swamp.

Q. Did that end the endeavors on the part of the authorities there to apprehend this man?
—A. Yes, sir.

Q. Has there been any effort made since then?—A. None whatever.

Q. From your acquaintance with the people of Red River Parish is there any danger to be apprehended by a republican, should he come from the North or elsewhere to that parish and advocate his political opinions?—A. No, sir; I do not conceive that there is the least imaginable source of danger in that community.

Q. Suppose that he should become active in politics, and make speeches on the stump and elsewhere, in an honest, straightforward manner, and seek to influence voters to carry the election for his party, would there then be any danger to him?—A. No, sir; not on account of his advocacy of any political principles.

Q. Is there a prejudice existing in the minds of the people there against republicans as republicans to such an extent as to make their stay unpleasant?—A. No, sir; they are not ostracized on account of their adherence to any political opinion. There is discontent, however, as to some of the republican officers there.

Q. Has that discontent been caused by reason of their politics or by reason of their mismanagement of parochial affairs?—A. I think it is due entirely to mismanagement of parochial affairs—because there are republicans who are regarded as honest officers in that parish, who have the esteem of every democrat and are associated with without any ostracism whatever. They are received in society on a perfect equality.

Q. Has the management of parish affairs under the control of Captain Twitchell been such as to cause complaint and trouble on the part of the majority of the citizens of the parish?—A. Yes, sir; there is universal complaint.

Q. Has this dissatisfaction extended to men of both political parties?—A. Yes, sir; it has. Conscientious and candid men of both parties have condemned it in the strongest terms.

Q. You have been a partisan there and advocated democratic principles?—A. Yes, sir; to some extent.

Q. Are you acquainted with the political organization of the democratic party in your parish?—A. I am.

Q. Do you know whether or not an organization known as the White League has been or is now in existence in that parish?—A. There is not such an organization there at this time. There was in this country in 1869 an organization known as the White League for a short time.

Q. Has it been in existence since that time?—A. Not within my knowledge.

Q. Do you know anything in regard to the formation of an organization or a union called the Property-holders and Laborers' Union?—A. Yes, sir; I know something about it. I know what gave rise to it.

Q. What is the object of that association or union?—A. To give the object of it, it will be necessary for me to give you a little insight into the reasons that brought it about. Mr. Twitchell has been controlling and conducting the parochial affairs almost exclusively. It has been charged for years, and I think with good reason, that it was almost impossible for a man to hold office in that parish without the friendship or concurrence of Mr. Twitchell; that if a person had occasion to come in personal antagonism with Mr. Twitchell his official relations with that parish would cease; that he could not exercise the duties of an officer there with Mr. Twitchell's displeasure. I was appointed parish attorney last fall. There was no one to represent the parish, and there was a bond question before the courts involving about \$20,000 of bonds. There was some discontent about the collection of the parish taxes last year, and it became necessary for them to have counsel to represent the parish. I was appointed at the solicitation of Judge Chaplin, the district judge, and Judge Broughton, the parish judge. I accepted the appointment of parish attorney. I brought suit against Twitchell, as security on the bond of G. A. King, tax-collector, for \$10,000. Mr. Twitchell was a member, and Mr. King was president, of the police-jury. The police-jury was under Twitchell's influence to my knowledge. They could not do anything in the police-jury against his influence. I also had the deputy tax-collector and tax-collector arrested and put under bonds for stealing the parish taxes collected last year. The deputy collector and tax-collector had an information filed against them by the district attorney. The suit I brought against Twitchell was dismissed on exceptions that the proceedings were not authorized by the police-jury.

Q. Of which police-jury Twitchell was president and King a member?—A. No, sir; Mr. King was president and tax-collector. The reason I brought suit was because I could not get to Mr. King very well, and I did not think the law could require me to go to Mr. King as president of the police-jury to ask him for authority to sue himself as tax-collector. I brought the suit, however, without such permission, and the suit was dismissed, as I said before. After the court met, Twitchell came up, as I understood, to hold a meeting of the police-jury and to regulate the proceedings in the parish with reference to the litigation which I was conducting against him and the tax-collector and his deputy. Mr. S. M. Morgan was parish treasurer, in whose name I had conducted these proceedings in court. J. W. Watts, a neighbor of his, had approved of Mr. Morgan's course, and told him it was his duty to carry on these proceedings in court. Mr. Watts was not notified that the police-jury had come together, and they gave me no notice. As soon as the police-jury assembled, King got up and stated that he resigned; so I learned afterward. They did not

meet at the court-house and I did not know the hour when they met. They met at Twitchell's house, opposite the court-house. King declared himself resigned, and offered a resolution to elect Mr. Twitchell president. No objection was raised except Mr. Perrow's, and that was not regarded. Twitchell was elected and took his seat as president of the police-jury. He then called up the tax-collector about the first thing to make an exhibit to him of what had been done. He appointed Mr. Mudgett a member of the police-jury, gave him a commission, and had him recognized in that meeting as a member of the police-jury, which gave them a quorum. The tax-collector made his exhibit and they made a settlement there that morning in a very short time. I inquired what length of time they were making that settlement, and was informed that it occupied but a few minutes. After that he appointed a committee of citizens to investigate the tax-collector's office. I asked Mr. Twitchell myself how it was that he, as president of the police-jury, could make it appear consistent to go and settle with the tax-collector and take up the scrip, and afterward appoint a committee to do what he had already done before. I told him that it was customary in such transactions that the committee should be appointed and investigate first, and that afterward a settlement should be made; that the committee should be appointed for the purpose of auditing; and I asked him why they made a settlement first and had the committee appointed afterward. I told him that I thought the committee was a whitewashing committee to whitewash his actions. He gave me no satisfactory reply, but turned off, and asked me to attend a meeting of the attorneys that morning who were called to give their advice upon certain questions. I had heard that only the day before they had elected another parish attorney in my place without notifying me or saying anything to me about it. I told him that inasmuch as I had accepted the office of parish attorney, and was striving my utmost to force a settlement of the parish affairs, and he had displaced me, I took that to mean that he did not require my professional aid any further, and that the parish did not need my services. However, I went to that meeting. There was a general dissatisfaction at that course of proceeding. I had proof from witnesses and was prepared to show that \$1,200 in greenbacks had been paid in. Mr. Harrison stated in my presence that the greenbacks went down into his pocket and settled that parish scrip. I told him another thing that I thought was not quite fair in the settlement of the Nicholson fund. There were two noted desperadoes who murdered a pedlar, and who fled from justice and were captured in Arkansas by a posse of men from up above there and brought down from there. That involved a pretty heavy expense to those men who had captured the prisoners, and the police-jury conceived it their duty to remunerate them for their trouble in bringing them back; and there being quite a number of them it took \$900 to do it. They had traveled a great distance. The police-jury therefore issued warrants to remunerate them for their expenses and trouble. A portion of that scrip had been paid into the tax-collector's hands. Mr. Scheen, Mr. Love, and myself, also had paid a portion of it in for taxes for gentlemen in the country. The tax-collector had, I think, a little over \$400 of that. The police-jury repudiated that scrip as being unauthorized. The police-jury had no legal authority to issue it, but something over \$400 of it was received from the tax-collector, and on the same day that that was received the police-jury with Twitchell as president declared it unauthorized and null and void. I asked Twitchell how he could reconcile it to himself as an officer to receive it at the hands of the tax-collector, and annul it in the hands of the taxpayers. He did not answer that. I told him that there was dissatisfaction about that, and I enumerated many other instances to him in which there was dissatisfaction. The proposition then came up to call a mass-meeting to take into consideration this with other things in regard to Twitchell. He is now under indictment for embezzlement. The tax-collector and the deputy tax-collector were under bond for embezzlement of the parish taxes, and nothing could be done. We came together to advise with each other as to what we could do to escape these evils. When we met in mass-meeting the proposition was made by Captain Marston that we organize on the basis of the Property-holders' Union of New Orleans. There were quite a number of citizens present, both white and black, democrats and republicans, and it was about as warmly advocated by one side as the other. There was no distinction. There was an explicit understanding, before the organization was gone into, that any effort to lug into the organization any sort of issue involving any question of politics, should be kept out. That was agreed to and publicly stated in the meeting. We went into the organization and it was approved of by all the citizens as far as I ever heard. We discussed it frequently. Its object was to ferret out the wrongs and frauds that had been perpetrated against the parish treasury, to inquire into the official conduct and standing of the officers of the parish, and to seek such aid as the law would afford us in obtaining relief against the burdens which had been imposed upon us.

Q. It had no political object in view?—A. None whatever.

Q. Under the laws of Louisiana, can a man embody in himself the various offices of State senator, United States commissioner, police-juror, and member of the school-board?—

A. No, sir. It is a palpable violation of an article in our constitution of 1868, to the effect that a man cannot hold more than one office at one time, except that he may hold the office of notary public in conjunction with other offices.

Q. It is in evidence that taxes were collected of certain parties, and, instead of being paid to the tax-collector, or his deputy, checks were drawn in favor of Mr. Twitchell. Does the law permit this to be done?—A. No, sir; it does not.

Q. Is there any penalty attached to the offense, if it be done?—A. Yes, sir; a very severe one. Not less than seven nor more than twenty-one years in the penitentiary. That is the penalty for making any other use or disposition of the money than in accordance with law.

Q. The intent of the law being, therefore, that the money shall be paid directly to the tax-collector, or his deputy?—A. Yes, sir; any unauthorized handling of money, either with or without interest, or in any manner whatsoever, otherwise than is expressly authorized by law, shall be deemed *prima-facie* evidence of embezzlement, and the offender shall be punished by imprisonment in the penitentiary for not less than seven nor more than twenty-one years. The law is very rigid on the subject.

Q. Did you ever know of any blank receipts for school money being signed and given to Mr. Twitchell?—A. Yes, sir; I have heard Virgil A. Stewart state that he signed a blank receipt which called for \$60, according to the grade of certificate that he held. He taught school for \$60 a month, according to his contract, and only got but \$35. He said he did not put in the receipt the amount of money he got.

Q. Do you know any other instance in which that was done?—A. Yes, sir; a man by the name of Huckleberry did the same thing.

Q. How much did the teacher receive?—A. I think he received \$40.

Q. What amount was inserted in the receipt?—A. No amount whatever.

Q. Was it not filled up afterward?—A. He did not know whether it was or not.

Q. Forty dollars was only half of the teacher's salary?—A. I do not know. Some are paid \$60, some \$80, and some \$100. I believe some are as low down as \$40.

Q. Was this teacher entitled to more than \$40?—A. I do not know. He did not tell me his grade of certificate. He told me about signing a blank receipt.

Q. Do you know of any intimidation having been exercised to prevent men attending the elections in the past upon the part of either political party in your parish?—A. No, sir; I was not in the parish of Red River at the election of 1874.

Q. Do you know of any intimidation being exercised by either political party?—A. No, sir. I have heard some speak of it. I have heard one or two negroes in that parish say that they did not vote, and that they did not think it would be right to vote the democratic ticket.

ON BOARD STEAMER LOTUS No. 3,
Red River, La., June 8, 1876.

F. ROUBIEU recalled.

By Mr. VANCE:

Question. Do you know anything in regard to the intimidation of voters on the part of either of the political parties in Red River Parish? If so, state it.—Answer. Yes, sir; the white population of Red River Parish were very much frightened just previous to and during the election of 1874, on account of the many arrests of citizens of the parish at that time by the deputy United States marshal. The citizens saw that a great many of their friends were being incarcerated, and without the power of being released by having an immediate trial. Many of the citizens of the parish supported their families by their daily labor, and they dreaded arrest without cause, although they felt perfectly innocent of having committed any crime. But knowing that many others had been arrested without cause, they dreaded to place themselves within the reach of the deputy marshal. Consequently they kept aloof; many of them did not come and register, even, and probably hundreds of them did not go to the election for fear of being arrested.

Q. This fear of arrest prevented them from going to the polls?—A. Yes, sir.

Q. And prevented some of them registering?—A. Prevented them from registering. I know it because I was taking a very active part in politics.

By Mr. WOODBURN:

Q. What was the republican majority that year in your parish?—A. I cannot tell; it was several hundred.

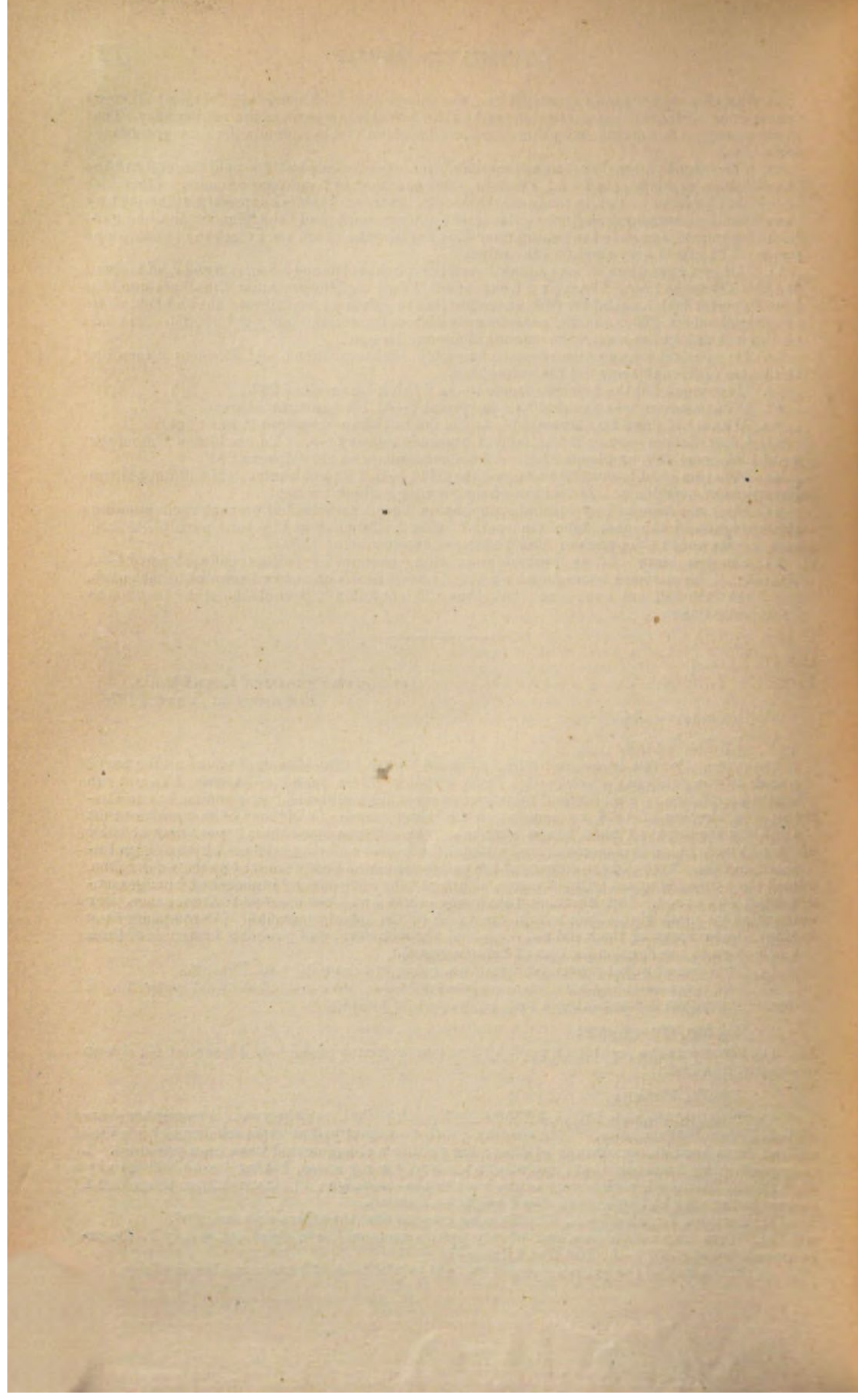
By Mr. VANCE:

Q. Was not the vote 300 to 1,100?—A. Yes, sir; that was the vote. I remember there was 700 or 800 majority. That was the previous majority, but there was great hope that had there been an opportunity of discussing politics a change could have been produced. I myself, after knowing that there was no warrant for my arrest, having been notified so by Captain Twitchell, took a very active part in the campaign; but it was hinted to me that I had better stay at home, otherwise I might be arrested.

Q. Arrested for what?—A. For the same reasons that the others were arrested.

Q. Were any convictions had of any parties arrested for alleged complicity in the so-called riot of 1874?—A. Not that I know of.

Q. Were any of the parties arrested brought to trial?—A. I have never heard of any.



ALLEGED OUTRAGES IN WEST FELICIANA PARISH, LOUISIANA.

TESTIMONY IN REGARD TO ALLEGED OUTRAGES IN WEST FELICIANA PARISH, LOUISIANA.

Forty-fourth Congress, first session.

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
June 10, 1876.

On motion of Mr. Levy,

Resolved, That the special committee appointed by the House of Representatives to investigate the custom-house and other Government offices in Louisiana, and also the alleged outrages at Coushatta, be, and is hereby, further instructed to investigate and report upon the outrages alleged to have been recently committed in the parish of West Feliciana, in said State, and that said committee, or any subcommittee thereof, is invested with authority to visit said parish, make necessary investigations, to summon and administer oaths to witnesses, to send for persons and papers, and, in regard to this additional duty, is clothed with all the powers heretofore conferred on said committee by resolutions of this House.

Attest:

GEO. M. ADAMS, *Clerk*.

By virtue of the foregoing resolution, the following testimony was taken by a subcommittee of the above-named committee, consisting of Hon. R. L. Gibson and Hon. C. B. Darrall:

BAYOU SARA, WEST FELICIANA PARISH, LA..
June 21, 1876.

WILLIAM W. LEAKE sworn and examined.

By Mr. GIBSON:

Question. What is your position?—Answer. I am district attorney *pro tem.*, and have been since November, 1873 or 1874.

Q. Do you hold your office by election?—A. Yes, sir. I was elected by the police-jury of this parish.

Q. Please state if you have any knowledge or information of any recent outrages in the parish of West Feliciana.—A. I have none, except the murder of Aronson. There have, however, been personal difficulties between man and man. I have a certified copy of the coroner's inquest that was held upon the body of Aronson. He was murdered in his store, on the 17th of May of this year.

[The following copy of the coroner's inquest referred to was ordered put in evidence:

“PARISH OF WEST FELICIANA,

“*State of Louisiana:*

“MAY 13, 1876.

“I, L. S. McCrindell, coroner of said parish, having notice of the violent death of Max Aronson, on the plantation of Mr. H. S. Perkins, went to the place, summoned and swore in as jurors to hold an inquest the following-named persons: Thomas O. Woods, E. D. Woods, T. C. West, E. H. Walker, R. H. Johns.

“I then swore in, as witness, H. S. Perkins, who, being sworn, says:

“I, with deceased, was sitting on my gallery, on the night of the 11th May; heard a whistling, as if some one wanted admittance to the store. We went over, and, after looking around for some time, concluded that all had quieted; went into the store and held social conversation for about half-hour, when I started for the house. I left the deceased in the store, with Ran Johnson, a colored man, holding lamp. Before getting in my house, I heard the report of about forty or fifty shots; ran back and found him lying on the floor, dead; stepped to door and saw about thirty or forty armed negroes; called out, what all this meant, you have killed this man. They replied, ‘If you have anything to say we’ll shoot you,’ and fired at me.

“H. S. PERKINS.

"Ran Johnson, sworn, says he was standing in store holding a lamp for deceased. He having heard noise, as above stated, Mr. Max ordered me to open the door. As soon as I opened, saw about fifty armed men; beckoned to him, deceased, to stand back. They asked for George Howell, and I replied, no, he is not here. They said, 'You had better get out of there damned quick.' I then stepped back, and Max slipped in the door and asked what all this meant. They replied, 'You are the damned son of bitch we are looking for,' and fired, killing Max instantly and wounding me in face.

"RAN ^{his} + JOHNSON.

"L. S. McCRINDELL, ^{mark.} *Coroner.*

"Filed May 15, 1876.

"CHAS. J. HOWELL, *Clerk.*

"PARISH OF WEST FELICIANA,

"*State of Louisiana :*

"At the inquisition held before the coroner of said parish, L. S. McCrindell, on plantation of H. S. Perkins, over of Max Aronson, on the thirteenth day of May, A. D. one thousand eight hundred and seventy-six, the jury, whose names are hereunto subscribed, upon their oaths say, that Max Aronson came to his death by gunshot-wounds in head, by the hands of a body of armed negroes, unknown.

"T. E. WOODS,

"E. D. WOODS.

"ROBT. H. JOHNS.

"THOS. C. WEST.

"E. H. WALKER.

"L. S. McCRINDELL, *Coroner.*

"Filed May 15, 1876.

"CHAS. J. HOWELL, *Clerk.*

"A true copy. June 21, 1876.

[SEAL.]

"CHAS. J. HOWELL,

"*Clerk of 7th Judicial District Court, West Feliciana, La.*"]

The WITNESS. I will state that the coroner returned to Bayou Sara on Sunday and made this report. A few hours after he made this report I left for Alexandria, in this State, on professional business. I returned on the Bart. Able about two o'clock Thursday morning, and was informed that a large body of white men had congregated in the northern portion of this parish, and had hung several colored men in consequence of the killing of Aronson. As an officer I thought it was my duty to investigate the matter, and I did so as thoroughly as I could. I questioned parties who told me that they were present; that they went there at the call of the Sheriff Noble, of Wilkinson County, Mississippi, and I was assured at that time by every one that there had been no violence in this parish, with the exception of the murder of Aronson. I came to the conclusion that there was no occasion for prosecuting anybody in this parish; that there was nothing to be done in this parish unless we could get hold of some of the parties who murdered Aronson.

Q. Have you taken any steps to ascertain who these parties were, and to bring them to trial?—A. I have made a great deal of inquiry, but I have not been able to ascertain the name of a single individual.

Q. Have you brought the matter to the attention of the grand jury?—A. There will be no grand jury until November. They adjourned in March and will not meet again until November. Yesterday morning Sheriff Kaufmann wrote me a letter stating that he had been informed by a gentleman from Mississippi that some five of the murderers of Aronson were in the parish of Point Coupee, and I took his letter under advisement and informed him that if deemed advisable the necessary writs would be issued for the arrest of the parties. The gentleman who gave this information has been here since. He lives in Wilkinson County, Mississippi.

Q. Does the grand jury meet regularly?—A. Yes, sir; twice a year.

Q. Have you any knowledge of any criminals who are at large in the parish, and who have not been brought before the grand jury?—A. No, sir.

Q. Have you, in the faithful performance of the duties of your office, endeavored to procure all the information you could as to any violations of law in your parish?—A. I think I have; and one of the best evidences of that is, that the official journal here, which is a republican paper, has frequently complimented me upon the performance of my duties as prosecuting officer.

Q. What is the character of the relations in this community, so far as your knowledge extends, between the colored and white people?—A. With the exception of some five or six colored men that I might name, the relations are very cordial. There are five or six colored men in this parish who are very obnoxious to the white people.

Q. I suppose there are some white people who are not much liked?—A. Yes, sir; I could name two or three.

Q. What is the disposition of the people in this community, so far as you know? Can northern men come here and settle?—A. I think the disposition of the people is very good. Some of my best friends are northern men and stand high in this community. Those who come here and behave as gentlemen are well received. There have been one or two exceptions.

Q. Have you prosecuted any criminals for violations of law since you held office?—A. I have; a great many.

Q. Have you convicted a great many?—A. No, sir; that is the great difficulty in this country; we cannot convict either white or colored in this country.

Q. To what do you attribute the difficulty?—A. To the juries.

Q. You do not have intelligent juries?—A. No, sir; they are ignorant or easily bribed; I do not know which.

Q. Have you had many cases of trial for murder?—A. I do not think we have. There has never been but one white man prosecuted for murder since I have been in office. He was tried by four white men and eight colored men, and was acquitted.

Q. There have been no executions for that crime in this parish, then?—A. No, sir. On two different occasions Judge Hewes, of our parish, discharged a jury for bringing in a verdict of not guilty, and gave instructions to the officers of the court never to permit any of those jurors to serve again upon a jury while he was upon the bench. The judge is not here; he is in Point Coupee. He is a very excellent lawyer and intelligent man, and I believe he is a republican and has been for six years.

By Mr. DARRALL:

Q. You did not visit the place where this disturbance occurred, near the State line between here and Mississippi, at any time?—A. No, sir; because I learned that it occurred in Mississippi.

Q. Aronson was killed in your parish, was he not?—A. Yes, sir; about ten or fifteen feet this side of the line.

Q. You say when you came back from Alexandria, you heard that a number of men had assembled up there?—A. Yes, sir.

Q. Who were they?—A. The best men in this country. Dr. Mumford was one of them; John J. Barrow was another. When they returned I questioned them as to what they saw. All the information I have I got from those gentlemen.

Q. Have you any information as to the number of men that were shot or hung out there?—A. I have not; it has been variously estimated from five to thirty-five, I think.

Q. Give us the best information you have on that point.—A. My opinion, from information given to me by witnesses, is that there were about twenty or twenty-five.

Q. They were all killed in Mississippi?—A. Yes, sir; I have not been able to trace the violence to any man in this parish except in the case of Aronson.

Q. Is there any person here in this town who lives out there, who can give us information in regard to this affair?—A. I think so. Mr. Perkins, a gentleman from Wilkinson County, is here to-day; he was in most of the shooting; so I have been told.

By Mr. GIBSON:

Q. Have you any information of the circumstances under which this killing was done?—A. Only from hearsay.

Q. What is the best information you have?—A. It was a mob that killed Aronson.

Q. What were the circumstances under which these twenty-five other people were killed?—A. According to my information the sheriff and deputy sheriff of Wilkinson County were riding along on horseback, and they were fired into.

Q. You have no personal knowledge of anybody being killed?—A. No, sir; I was in Rapides Parish at the time. All my information is from gentlemen in whom I have confidence.

Q. You have none derived from personal knowledge?—A. None at all.

Q. You have no knowledge of any other alleged outrage in this parish, except the one you have referred to?—A. Yes, sir; I might state this: I think it was probably ten days or about a week ago that I received a letter from Mr. E. L. Weber, senator from this State, stating that about 10 o'clock the night previous a party of men called at his house, and called him out. His wife was very ill and he was not able to leave her room. The party then fired a volley of rifles into the east end of his house.

Q. Have you any personal knowledge of this occurrence?—A. None except that I heard the guns fired. I live close to his house. The party were unknown to me. I replied to him that it was impossible for me or any other officer to take legal steps against unknown parties; that if he would ascertain the names of the parties, I would prosecute them. A copy of that reply was copied in Mr. Weber's paper. I would state that on that night I was at home in bed. My wife and a young lady staying with us were sitting up. I heard a gun fire about 10 o'clock at night, down somewhere in the neighborhood of Mr. Weber's house, and in about a half or three-quarters of an hour afterward I heard two guns in quick succession, that seemed to be about the same place. I dropped off to sleep. I was awakened

again afterward by a volley of guns, that sounded to me more like the slamming of a door than anything else. My wife, who was sitting up in the room with a sick baby, was very much frightened, and said, "My God! what is all that shooting?" My reply to her was, that it was either the slamming of a door or thunder. She then mentioned having heard three guns fired previously. I then told her I had heard two guns. I quieted her and we went to sleep. The next morning I met Mr. Weber; we bowed, but nothing was said. I returned to the hill, and was at home again standing on the gallery at 3 o'clock in the afternoon, when I received this letter from Mr. Weber. On three different occasions I have stopped and examined his house. It had been freshly painted before the shooting, and if there were any shot in it, I could not find them. I am satisfied that whoever shot those guns, did it with no other intention than to frighten Mr. Weber. I think it was done by friends of his to carry out some matters that he had been publishing in his paper. He had been publishing charge after charge in his paper against the people, and I am satisfied that it was some of his friends who fired all those guns to carry out some of his ideas. I do not think it possible that men could have fired at that house and missed. It is a large house, and had been freshly painted.

Q. He was not injured?—A. No, sir; nor did we hear any screaming at the time of the firing. Everything was as quiet the balance of that night and the next day after that volley as it is now. Nothing was said about it until 3 o'clock when I received this letter.

Q. Have you many disturbances in this community?—A. No, sir; I should say not.

Q. Is the population generally orderly and peaceable?—A. I should say so—as much so as any community where there is such a large proportion of ignorant people, and people who will get drunk. We have a great many personal difficulties among the colored people themselves. We have had some ten or fifteen where they killed each other, either on account of women or whisky. The last occurrence of that kind in this parish was where two colored men fired at each other at the same moment and they were both killed. That occurred about a week ago. There is scarcely a week but what there is a murder in this parish among themselves. About two months ago a white man in this community was killed by a colored man. I tried the man and put him under bond. I was satisfied he did it in self defense. He is to have his trial in November.

Q. Have there been many difficulties between the colored and white people, in which colored people in this parish have been killed?—A. There has not been a colored man killed in this parish by a white man in three years, with a solitary exception. In that case the white man was tried and acquitted by a jury of eight colored and four white men.

Q. Your courts are open how much of the time?—A. They are open at all times twice a year. Our parish court is a committing court; it meets whenever there is an offense committed. As soon as the party is arrested the parish judge convenes the court, and if the party is entitled to it he is put under bond to await trial by the district court.

By Mr. DARRALL:

Q. What kind of parish officers are your sheriff and judge—are they efficient?—A. No, sir; our parish judge is a colored man. He is a man of no education at all. He can write his name legibly, but if he wrote anything else, you could not read it.

Q. How is your sheriff?—A. He is an educated man, but he is a visionary, is erratic, and I believe he is half crazy. That is his general reputation in this community. Mr. Weber is the senator in this district, and he held a commission connected with the insane asylum, and was also a member of the public-school board—president and treasurer. The treasurer of our parish was a colored man who could write his name and that is about all. Weber was his clerk and took charge of his books, and disbursed the funds. The colored man was examined before the grand jury, and we have his testimony. He acknowledged, not only his incompetency, but that he knew nothing of parochial affairs; and that he left his business entirely to Weber. Our police-jury was composed of one very excellent white man who stands very high in this community as a practical man, and four colored men.

Q. Was this white man asked to resign at the time the others were?—A. No, sir; he was elected on the republican ticket.

Q. The others were requested to resign?—A. They were requested to resign. They were incompetent; there was only one who could read or write at all. He was a school-teacher and president of the police-jury. We might furnish you with a specimen of a resolution that he once offered in the police-jury. He was about as illiterate as any colored man in the State.

The following copy of the resolution here referred to by the witness was ordered to be put in evidence:

"Be it Resolves by The Police Jury in Regular Seshion Convean That The Treasue from & after This Day shall Propotion The amount of money Payed over to him By The Tax Corlected in Three Days from the Date it is Passed oVer To him and he must mak The exact Proportion Payed out—

"The money on the Proper Vouchous of The Person or Persons and That no person shall be aloud To Carlec no money on a nother Person Vouchous unllest authoryed By him To Do So Without Principal Person is dead or sick and cant get There him self and if Treasue shall Vi O late This act he shall be find in a Sun of not Lest The \$50.00 and no more Then \$20.00."

By Mr. GIBSON:

Q. You spoke of a request of the members of the police-jury to resign. Was that accompanied by violence?—A. No, sir; it was done at an open meeting of the police-jury. The citizens came there with a petition requesting them to resign.

Q. Was there any expression of violence or intimidation in this petition?—A. None that I saw.

Q. How is your school system conducted in this parish?—A. Very badly. I do not suppose that we have three teachers in the parish who understand the rule of three, or who could write a sentence grammatically. The most ignorant class of people in the parish are the teachers.

Q. Do you speak now from hearsay or from personal knowledge?—A. From personal knowledge of them; I know them all personally. I believe we have a specimen of one of them now present.

Q. Do you have a school-tax?—A. No, sir; the school money comes from the State. We have never levied a parish school-tax.

Q. Has there been any embezzlement or defalcation in respect to that fund?—A. Not to my knowledge. The grand jury at the last term reported on that subject that they had made a partial investigation; but in consequence of a number of civil suits having been brought by teachers against the board, the grand jury declined to make any further report, in hopes that the investigation in those civil suits would bring out some evidence. Since then those civil suits have all been compromised, and the teachers have been paid. I suppose the grand jury at the next term will investigate the matter. The matter is still before the grand jury undisposed of.

BAYOU SARA, LA., June 21, 1876.

J. H. STEPHENS (colored) sworn and examined.

By Mr. GIBSON:

Question. What is your occupation?—Answer. I am postmaster, at present.

Q. How long have you held that office?—A. A little over four years, I believe. Since April 1, 1872.

Q. Are you a native of this parish?—A. Well, I have been living here, I believe since 1852 or 1853, off and on, not regularly. I have been living here regularly since the war.

Q. Have you any knowledge of any outrages against law, or against life and property, in this parish recently?—A. I have heard of a good deal, but I have not seen any.

Q. Have you any personal knowledge of it?—A. No, sir.

Q. Have you any personal knowledge of the taking of life in this parish?—A. I have not.

Q. Or of the destruction of property?—A. No, sir.

Q. Or of the breaking of the peace?—A. Nothing more than little affrays among individuals in town.

Q. Have you any knowledge as to what the relations are that exist between white and colored people in this parish generally?—A. No, sir; I have not.

Q. Is it friendly or unfriendly?—A. It has heretofore been very friendly. The colored people, as a general thing, get along very well with the whites if they do as they should. Some of them get a little hard-headed sometimes.

Q. Is there any disposition on the part of the white people of this parish to deprive the colored people of their political or civil rights?—A. If there is any, I don't know it.

Q. You have no knowledge of the existence of any such feeling?—A. No, sir; I have not.

Q. Are the colored people allowed to vote as they desire at elections?—A. They always have heretofore. I have seen them come up one hundred and one hundred and fifty strong at the First ward polls.

By Mr. DARRALL:

Q. Are you a colored man?—A. I am.

Q. You say that some colored men do not behave themselves or get hard-headed; what do you mean by that?—A. I mean by that that a gentleman might speak to me and I would say something that he didn't like, and he would say something back, and I would curse him, and he would hit me and I would hit him back.

Q. You do not mean that they are hard-headed politically?—A. O, I think not; I mean personally.

Q. You simply refer to personal matters?—A. Yes, sir.

Q. Have you heard or do you know anything about any anticipated negro risings in this community?—A. There was at one time a riot kicked up here when I was sheriff; that was a year and a half or two years ago, I believe.

Q. Was it a riot on the part of the colored people?—A. They came in here, I don't know how many; I suppose one hundred or one hundred and fifty, or something of that sort, about half past 8 or 9 o'clock at night. I don't think there was anybody hurt at that time.

Q. I refer more particularly to recent dates.—A. No, sir.

Q. Do you think, from what you know of the colored people, that there is any danger of negro risings?—A. I do not.

Q. You see most of the colored people about here when they come to the post-office?—A. I see a great many.

Q. You do not know of any organization or anything of that kind among the colored people by which they propose to rise?—A. No, sir; I do not.

Q. Are they working in their fields peaceably and quietly?—A. I think they are, so far as I know. Most of them who come to the post-office tell me that they have got good crops and good prospects.

Q. Do they make many complaints about their white neighbors?—A. No, sir.

Q. They seem to live peaceably and quietly at home?—A. Yes, sir.

Q. You say they have always been allowed to vote as they pleased?—A. Yes, sir; just as they pleased; the same as anybody else; any ticket that they wanted to vote.

Q. Do you think that would be the case should an election take place in this parish to-morrow?—A. I don't like to say what I would think.

Q. What is your opinion?—A. I don't think there would be any trouble if we had an election to-morrow.

Q. You do not anticipate any?—A. No, sir. I think I could go to the polls to-morrow and vote for any person I wanted to without any trouble.

Q. Can you give us any information in regard to this trouble out near the State line, at Laurel Hill?—A. No, sir; I cannot. I don't know anything at all about it—no more than I have heard from different parties. There is nothing at all reliable in it.

Q. Do you know any organization, either white or colored, that they call Regulators, in this parish?—A. I have heard about Regulators. I don't know anything about them.

Q. Is there any such organization?—A. I don't know; I couldn't say.

Q. Do you know anything about any threats or intimidations toward the police-jury to compel the members to resign, or do you know of any intimidations or threats toward any officers of the parish government?—A. No, sir; I believe there was a meeting of the citizens here some time back that requested a certain portion of the police-jury to resign for incompetency; but there was no violence used or anything of the sort.

By Mr. GIBSON:

Q. Are you a member of any organization of Regulators?—A. No, sir.

Q. You have no personal knowledge of any such organization?—A. No, sir.

BAYOU SARA, June 21, 1876.

G. M. BASCOM sworn and examined.

By Mr. GIBSON:

Question. Please state the regiment to which you belong and your rank.—Answer. I am captain Thirteenth United States Infantry.

Q. How long have you been stationed here?—A. Since the 1st of March last.

Q. Have you any knowledge of this alleged outrage near the Mississippi State line in which it has been stated that a store-keeper by the name of Aronson was murdered?—A. Nothing personally. All the information I have I have obtained for the purpose of making an official report to department headquarters.

Q. We have your official reports, and I suppose they contain all that you know in regard to the affair?—A. Yes, sir; except some excitement around town here.

Q. I suppose when this occurrence took place there were rumors and all sorts of reports flying over the community?—A. Yes, sir.

Q. You attached, it appears, no importance whatever to these rumors or reports at that time?—A. Not so far as this place was concerned. The anticipation was, apparently, from the messages I got, that there was a general rising of colored or white people, or both, and an attack was anticipated on this place, or something of the kind. It was that to which I attached no importance.

Q. Have you any knowledge of there being any uprising either of the colored people or white people against the officers of the law or the representatives of the authority of the United States?—A. No, sir.

Q. Have you any knowledge of any uprising against the parochial authorities?—A. Not in this parish, nor the others so far as I am informed. I was informed that Mr. Noble, the sheriff of Wilkinson County, Mississippi, was the one that was fired on up there.

Q. What is the condition of society as respects the relations between white people and colored people in this parish, so far as your knowledge extends?—A. I should say that the feeling mutually and generally is very good. I have seen no disposition on the part of the white people—as a class I mean—to impose in any way upon the colored people. I have

been accused of associating a good deal with the bulldozers here ; but in all my conversation with the people here I have seen no tendency on their part to take any undue advantage of the colored people at all. I am free to say that.

Qr Do you find any disposition to treat with disrespect the representatives of the authority of the United States ?—A. On the contrary, sir, I have always everywhere, where I have been, been treated with great courtesy and respect.

By Mr. DARRALL :

Q. According to the information you have, how many white men were killed at Laurel Hill, on the State line ? Did you hear of any others being killed except Aronson, the store-keeper ?—A. No, sir.

Q. How many colored people were killed, according to your information ?—A. I made that report to headquarters very indefinite, because I did not know anything about it, and I do not know anything more to-day about it than I did then. I don't suppose there were more than a dozen or twenty killed, but that is very indefinite information.

Q. In regard to this disturbance, from whom do you get your information ?—A. I think I have had it from everybody that I have met who knew anything about it. I cannot name any one particularly. I got it from parties who went over there from here.

Q. Of course in all these disturbances there are two sides to be heard ; have you been careful to get both sides ?—A. Yes, sir.

Q. Have you taken special care to get both sides ?—A. Yes, sir.

Q. What do you mean by bulldozers ?—A. That is the common name for these parties that get together in case of a disturbance. They are armed parties organized usually into small companies, with somebody to lead them in case of a disturbance.

Q. Are they the same as the Regulators ?—A. No, sir ; it is an indefinite slang term and doesn't mean anything really. It means these people generally that have taken the thing in hand, in putting down these disturbances, as near as I can make it out. The word is a localism. It means persons who take any hand in putting down these disturbances. That is about what I think the word means.

Q. You speak of the bulldozers and the Regulators also in the report that you have made to the commanding officer, and you say considerable about negro risings. I wish you would inform the committee whether there is any apprehension of a negro rising in this parish.—

A. I don't think there is in this parish at all.

Q. Do you think there is in any adjoining parish, so far as your own knowledge extends ?—A. I do not.

Q. Was there at any time ?—A. I think a disturbance was possible—a local disturbance caused by a few bad men, just as this late one at Port Hudson, but I don't think there is any danger of any general disturbance on the part of the colored people.

Q. You do not think there is any danger of negro risings ?—A. I do not.

Q. Do you think there has been any danger ?—A. No, sir ; not since I have had any connection in any way with the people here.

Q. Still you have heard a good deal about negro risings ?—A. Yes, sir ; talk, but I don't place much credit in that.

Q. Being stationed here as you are, and having means of getting information, do you think that there is any necessity for this organization of bulldozers or regulators, in order to preserve the peace ?—A. I say that there is no such organization that I know of.

Q. You say that there are certain parties here that you associate with called bulldozers ?—A. Yes, sir.

Q. Is there any necessity, in your opinion, for such an organization in order to keep down these negro risings ?—A. In the first place, I say again, there is no such organization, properly speaking—no formal organization. In case of any reported disturbance, each neighborhood tries to rally around a certain person.

Q. How do you know they have no organization ?—A. There does not appear to be any.

Q. You give that as your opinion ?—A. Yes, sir.

Q. You state they rally around certain leaders ?—A. Sometimes one and sometimes another ; just the man that happens to be ready to go, is chosen to be the leader.

Q. Do they go out armed ?—A. Yes, sir.

Q. Are not the officers of the law in this parish sufficient to preserve the peace ? You have a good district judge here. Is there any necessity in your opinion for these bulldozers in this community, whether they are organized or not ?—A. They don't appear to me to be necessary.

Q. Has there been any disturbance in which Mr. Leake, the district attorney, and Mr. Kaufmann, the sheriff, have not appeared and attended to their duty ?—A. The sheriff does not appear to me to understand a case at all when it comes up. I don't know with how much of my correspondence with headquarters you have been furnished.

Mr. GIBSON. We have all your dispatches.

The WITNESS. If you have all, you will find that there were certain cases where demands were made on me when there was no necessity of it, and for that reason I say the sheriff was not competent.

By Mr. DARRALL:

Q. Can you give any good reason why he is not?—A. I believe I use the expression in one of my reports, that "he is too easily stampeded."

Q. You think he has not sufficient nerve?—A. I don't think he lacks personal nerve, but he lacks judgment or something of the kind.

Q. Stampeded by whom—the negroes?—A. No, sir.

Q. By whom?—A. Just the flying rumors that he hears.

Q. Where were you stationed before you came here?—A. At Baton Rouge.

Q. How long had you been there?—A. I came there in May, 1875, from New Orleans.

By Mr. GIBSON:

Q. Where did you enter the Army from?—A. Ohio.

Q. You are an Ohioan?—A. Yes, sir.

Q. Did these rumors of uprising you refer to in your report, proceed from the difficulty on the border in which Aronson was killed?—A. Yes, sir.

Q. Did these rumors appear to be disseminated extensively throughout the parish?—A. I could not tell that. I had no way of leaving here, and I only heard the story in town.

Q. Did you ascertain or have information that the people in this vicinity were somewhat startled by these rumors at that time?—A. They appeared to get very easily excited at any such rumor.

Q. Were these parties that were armed, armed in consequence of rumors that were flying? I speak of the parties that went from here.—A. Yes, sir; they came back. I saw them when they left and saw them when they returned.

Q. Have you any knowledge of the existence of any armed organization in this parish?—A. No, sir.

Q. The armed parties you refer to and call by the name of bulldozers, are the parties who were armed on these occasions of reported uprisings?—A. Yes, sir.

Q. Do you mean to say that these parties are always armed, always on the alert and always prepared to put down disturbances?—A. No, sir; they have their own private arms, and those that have none borrow when they go out.

Q. Have you any personal knowledge of any of these parties?—A. Yes, sir.

Q. Are they lawless characters?—A. None of them; some of them are the best citizens here; I will say the most of them.

Q. Are they men of property?—A. Yes, sir.

Q. Is their purpose in being armed to invade the rights of or intimidate other people?—A. I have no reason to think so, from all I have seen and heard.

Q. Have you any knowledge of violence on their part in this parish; or have you any knowledge of their killing anybody?—A. No, sir.

Q. Have you any knowledge of them threatening anybody in this community?—A. I don't know of a case in this community. I have not heard of any since I have been here.

Q. Have you any knowledge of their taking or attempting to take the law into their own hands in this parish?—A. No, sir.

The following correspondence between the last-named witness and department headquarters, was ordered put in evidence:

HEADQUARTERS DEPARTMENT OF THE GULF,

New Orleans, La., June —, 1876.

SIR: In compliance with your request I have the honor to furnish you with copies of all papers received at and sent from this headquarters, relating to the recent troubles in the parish of West Feliciana, Louisiana.

I am, sir, very respectfully, your obedient servant,

C. C. AUGUR,
Brigadier-General, Commanding.

To the Hon. R. L. GIBSON, M. C.,
Chairman of Committee of Congress.

(16 inclosures.)

[Copy of official telegram.]

HEADQUARTERS DEPARTMENT OF THE GULF.

New Orleans, La., May 2, 1876.

To Captain BASCOM,
Commanding Troops at Bayou Sara, La.:

It is reported that a mob threatened the lives of certain office-holders in and about your post, in case they will not leave their duties. You are expected to do all in your power to

preserve peace and prevent bloodshed. You will see that Federal officers are protected in the performance of their duties.

Please report at once.

AUGUR.

Brigadier-General, Commanding.

Official copy :

O. D. GREENE.

Assistant Adjutant-General.

[Copy of telegram received at headquarters Department] of the Gulf, New Orleans, La.,
May 2, 1876.]

BAYOU SARA, LA., May 2, 1876.

To ASSISTANT ADJUTANT-GENERAL, DEPARTMENT GULF,

New Orleans, La. :

Can learn of no threatened general disturbance. At a meeting of citizens yesterday certain parish officials were requested to resign. After meeting was over some of the young men got drunk and disorderly, but the town was clear of them by evening, excepting one who was shot during the night. The postmaster, the only United States official here, says he has had no trouble and anticipates none. In case of a mob after local officials, am I to interfere and must I act on my own judgment, or whose call for assistance must I recognize?

BASCOM,

Captain, Commanding.

Official copy :

O. D. GREENE,

Assistant Adjutant-General.

[Copy of official telegram.]

HEADQUARTERS DEPARTMENT OF THE GULF,

New Orleans, La., May 4, 1876.

COMMANDING OFFICER, Bayou Sara, La.:

Your telegram of 2d received. No instructions for your guidance can be given at present other than the general one to use your influence and that of your command in the interest of peace and good order in the community. If any emergency arises seeming to demand immediate action on your part you must exercise your best discretion, reporting facts and the action taken, by telegram to this office at once.

GREENE,

Assistant Adjutant-General.

Official copy :

O. D. GREENE,

Assistant Adjutant-General.

[Copy of telegram received at headquarters Department of the Gulf, New Orleans, La.,
May 15, 1876.]

BAYOU SARA, LA., May 15, 1876.

To ASSISTANT ADJUTANT-GENERAL, DEPARTMENT GULF,

New Orleans, La. :

A courier has come in asking for assistance from the town-people to meet a reported rising of negroes about twenty-two miles northwest of here, near State line. The sheriff of Wilkinson County, Mississippi, reported to be out with a large posse, and the citizens here are arming to go out. Unless there is some foundation for the rumored rising I do not think there will be any disturbance.

BASCOM, *Commanding.*

Official copy :

O. D. GREENE,

Assistant Adjutant-General.

[Copy of official telegram.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., May 16, 1876.Captain BASCOM,
Commanding United States Troops, Bayou Sara, La. :

Your dispatch received. Proceed at once to the scene of the reported rising of negroes and see what it amounts to. Inform yourself of all the facts in the case and report by telegraph, if important. Telegraph what facts you now have about the killing of negroes and the cause. You are authorized to move your company to any point where it will be useful and aid you in preserving peace, which you must do, if possible. Give protection from violence to any parties needing it. Acknowledge receipt.

AUGUR,
Brigadier-General, Commanding.

Official copy :

O. D. GREENE,
Assistant Adjutant-General.[Copy of telegram received at headquarters Department of the Gulf, New Orleans, La.,
May 16, 1876.]

BAYOU SARA, LA, May 16, 1876.

To ASSISTANT ADJUTANT-GENERAL DEPARTMENT GULF,
New Orleans :

Latest reports from deputy sheriff of Wilkinson County confirm statement that disturbance is over. As I can do nothing to preserve peace by going out now I will await further instructions before proceeding to scene of late disturbances. In case of any further reported rising or trouble within striking distance, which I expect, will act at once.

BASCOM,
Captain, Commanding.

Official copy :

O. D. GREENE,
Assistant Adjutant-General.[Copy of telegram received at headquarters Department of the Gulf, New Orleans, La.,
May 16, 1876.]

BAYOU SARA, LA., May 16, 1876.

To ASSISTANT ADJUTANT-GENERAL DEPARTMENT GULF,
New Orleans, La. :

Telegram of to-day from commanding general received. Telegram from Woodville says that sheriff of Wilkinson County was fired on while ordering negroes to disperse. Fire was returned, and some thirty negroes killed. This was last night, near Fort Adams, Miss. ; no later reports received ; no trouble reported in this parish. Reports are so contradictory, both as to locality and facts, that I do not know where to go, but am expecting a courier in soon, when I can act advisedly. There is not an available horse to be had here just now. Information just received from Woodville says negroes are all dispersing ; that the sheriff of Wilkinson County has gone through the country to Fort Adams, where more trouble was expected, and returned, reporting all quiet. Citizens are returning to their homes.

BASCOM,
Captain, Commanding.

Official copy :

O. D. GREENE,
Assistant Adjutant-General.

[Copy of official telegram.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, La., May 17, 1876.COMMANDING OFFICER,
Bayou Sara, La. :

As disturbances seem to have ceased, you can remain at your station until further orders. by mail all the facts you can ascertain relative to the late disturbances.

GREENE,
Assistant Adjutant-General.

Official copy :

O. D. GREENE,
Assistant Adjutant-General.

[Copy of telegram received at headquarters Department of the Gulf, New Orleans, La.,
May 16, 1876.]

BAYOU SARA, LA., May 16, 1876.

TO ASSISTANT ADJUTANT-GENERAL DEPARTMENT GULF,
New Orleans, La. :

The party that went from here to scene of disturbances have returned. They report all quiet there and on the road back. Their statements are confirmatory of my letter of to-day.

BASCOM,
Captain, Commanding.

Official copy :

O. D. GREENE,
Assistant Adjutant-General.

BAYOU SARA, LA., May 17, 1876.

ASSISTANT ADJUTANT GENERAL DEPARTMENT OF THE GULF,
New Orleans, La. :

SIR: I have the honor to acknowledge receipt of your telegram of this date. There is nothing to report (beyond rumors, which I do not care to repeat,) more than is contained in my letter and telegram of yesterday. The party of mounted men who left here day before yesterday evening returned yesterday, after a hard ride, having arrived at the scene of disturbance too late to take any active part. They say the whole population on their route is quiet and peaceable. The statement in at least one of the city papers that the sheriff of West Feliciana, La., called on me for assistance, and which I declined, is without foundation.

There has been no disturbance in this parish, and if there should be any wild rumors of risings, which I expect, as a reflex from late excitement, I believe I can quiet the excitement without any resort to force, individual cases of outrages excepted. To show how these stories start, a steamboat carrying a circus came here to-day, said circus being advertised to exhibit to-day at Fort Adams, Miss. Wild reports of negroes crossing the river at that point, a fight, &c., were current.

I at once offered to take a squad of my men and go on the steam-tug to the threatening point, saying that I did not believe there was any foundation for the report, and, on following up the report to the captain of the boat, he said that everything was quiet there, and they were expecting no further disturbance.

Very respectfully, your obedient servant,

G. M. BASCOM,
Captain Thirteenth Infantry, Commanding.

Official copy :

O. D. GREENE,
Assistant Adjutant-General.

Original received, Department Gulf, May 19, 1876.

BAYOU SARA, LA., May 16, 1876.

ASSISTANT ADJUTANT GENERAL, DEPARTMENT OF THE GULF,
New Orleans, La. :

SIR: Referring to my dispatches of yesterday and to-day, and the reply of the commanding general, I have the honor to submit the following narrative statement, as I have been able to make it out, of the disturbances in Wilkinson County, Mississippi, adjoining this parish.

On the night of the 10th instant, a storekeeper, by the name of Max. Aronsen, was killed by a party of twenty or thirty negroes, (according to the coroner's report.) This was about twenty-two or twenty-three miles northwest from here—the store being on the State line. The murder was understood to have been committed by Mississippi negroes, and a party of citizens of Mississippi turned out to punish the murderers.

One or two of the negroes are said to have been arrested, made a confession, and were hung. In the course of arresting the remainder of the gang, a party of white men were fired on; retired for re-enforcements; returned and attacked the negroes, killing nine. (?) This was Thursday night, the 11th instant.

Monday afternoon (15th instant) word came into town that a large number of negroes were gathered at Evans's place (Irondale) in Mississippi, threatening general destruction, and help was asked to put down the rising.

It was while those of the white citizens who could get horses were arming to meet this call that I sent my telegram of the 15th instant. Unfortunately Lieutenant Jamar was absent on a short leave, so I had no one to leave with my company, or I should have gone out with the party from here. As it was, the presence of the troops quieted all local excitement here, and in the vicinity, in spite of the wild rumors that were floating around.

My two telegrams of to-day, in answer to the one from the commanding general, are based on the most reliable information obtainable.

The distance to be marched, (reported from twenty-two to twenty-three miles,) the absence of horses and means of speedy transportation, and my own doubts as to my discretionary power, as well as of the probability of any general disturbance, (which seem to have been warranted from latest reports,) are my reasons for not taking any action in this case.

Very respectfully, your obedient servant,

G. M. BASCOM,
Captain Thirteenth Infantry, Commanding.

Official copy :

O. D. GREENE,
Assistant Adjutant-General.

Original received at Department Gulf, May 17, 1876.

[Copy of telegram received at headquarters Department of the Gulf, New Orleans, La., June 5, 1876.]

BAYOU SARA, LA., June 5, 1876.

TO ASSISTANT ADJUTANT-GENERAL, DEPARTMENT GULF,
New Orleans, La.:

Have just received the following communication: "Saint Francisville, June 5th, 1876. Being creditably informed that there will be a large meeting to-day at the court-house in Saint Francisville, and also that it may culminate into riot and bloodshed, I request you respectfully to keep your forces on hand, and to assist me in any emergency. Be satisfied that I will not call on you without necessity.

"DR. P. G. A. KAUFMANN,
"United States Deputy Marshal."

The meeting referred to is a democratic convention. I can learn of no threatened disturbance, and believe it is a scare. I think if there should be a disturbance, Dr. Kaufmann should act as sheriff, and not as United States deputy marshal, and have so notified him. Without instructions, I will not recognize his call as marshal, but will of course do what I can to preserve peace, if anything serious should occur.

BASCOM, *Captain, Commanding.*

Official copy :

O. D. GREENE,
Assistant Adjutant-General.

of telegram received at headquarters Department of the Gulf, New Orleans, La., June 5, 1876.]

BAYOU SARA, LA., June 5, 1876.

TO ASSISTANT ADJUTANT-GENERAL, DEPARTMENT GULF,
New Orleans, La.:

Have seen Dr. Kaufmann and attended meeting referred to by him. The convention is as orderly as a New England town meeting. Dr. Kaufmann tells me he did not intend to sign his communication as deputy United States marshal. It was intended to be a personal and unofficial warning. I send said communication by mail.

BASCOM, *Captain, Commanding.*

Official copy :

O. D. GREENE,
Assistant Adjutant-General.

STATE OF LOUISIANA,
West Feliciana :

SAINT FRANCISVILLE, June 5, 1876.

TO Major BASCOM,
Commanding United States Forces, Bayou Sara, La.:

Being creditably informed that there will be a large meeting to-day at the court-house, in Saint Francisville, and, also, that it may culminate into riot and bloodshed, I request you respectfully to keep your forces on hand, and to assist me in any emergency. Be satisfied that I will not call on you without necessity, and believe me,

Yours, very truly,

DR. P. G. A. KAUFMAN,
United States Deputy Marshal.

BAYOU SARA, LA., June 5, 1876.

Respectfully forwarded for consideration, in connection with my two telegrams of this date.

Including those attending from this place at Saint Francisville, there were possibly seventy-five persons at the convention, which met at "Social Hall," at about 11 a. m., appointed a central committee and delegates to State democratic convention, and adjourned at about 1 p. m.

G. M. BASCOM,
Captain Thirteenth Infantry, Commanding.

Official copy :

O. D. GREENE,
Assistant Adjutant-General.

Original received, Department Gulf, June 7, 1876.

[Copy of telegram received at headquarters Department of the Gulf, New Orleans, La., June 18, 1876.]

BAYOU SARA, LA., June 18, 1876.

To ASSISTANT ADJUTANT-GENERAL, DEPARTMENT GULF,
New Orleans, La.:

Report of disturbance below Port Hudson, reported last night. A party of about twenty-five citizens are about to leave for there on steam-tug. I will leave here with Mr. Irvine in course of an hour in a carriage, and will be back so as to report early to-morrow.

BASCOM,
Captain, Commanding.

Official copy :

O. D. GREENE,
Assistant Adjutant-General.

[Copy of telegram received at headquarters Department of the Gulf, New Orleans, La. June 19, 1876.]

BAYOU SARA, LA., June 19, 1876.

To ASSISTANT ADJUTANT-GENERAL, DEPARTMENT GULF,
New Orleans, La.:

I left scene of disturbance late last night, and immediate vicinity at seven o'clock this morning. All quiet. Citizens preparing to return home. Will send report by next mail.

BASCOM,
Captain Commanding.

Official copy :

O. D. GREENE,
Assistant Adjutant General.

BAYOU SARA, LOUISIANA, June 21, 1876.

H. S. PERKINS sworn and examined.

By Mr. GIBSON:

Question. Where do you reside?—Answer. I live right within fifteen or twenty feet of the line between this parish and Mississippi.

Q. State what knowledge or information you have of the killing of Aronson near the line between this State and Mississippi; not what you have heard, but what you know.—A. This occurrence happened right on my place, and in fact right near my doors, within twenty or thirty paces of my gallery. It happened on the night of the 11th of May, I think, as near as I can come at it. We had no time-piece there, but I think it was between 10 and 11 o'clock. Mr. Aronson, my wife, and some two or three of my children were sitting out on the front gallery; some on the steps, some in chairs, talking about different subjects and topics of the day. My wife said, after a while, "Did you hear a whistle?" I said "No; I have not heard anything." We talked on a while longer and then I heard a kind of blow—it was not a whistle. She said again, "Did you hear it?" Then I said "Yes, I heard something." She said "You had better call out; maybe some one wants to get into the store." Then I hallooed and asked

if anybody wanted to get into the store. No one replied. We thought very strange of it, though we continued talking about the subjects that we were talking about before; I forget what they were. Presently he made the same signal again; then Mr. Aronson, the keeper of the store, halloos out and asks if anybody wanted to get into the store. No one replied. We still thought strange of it. We talked on a little longer about the strangeness of this whistle and one thing and another, and directly it sounded again. He remarks to me "Will you go with me over to the store?" I said I would. We ran over to the store. We opened the back door and ran in. We then came out, and as he came out he gathered up a pistol off the counter that was lying there. When he went out he fired it off some two or three times. We thought all the time it was some of the neighbors trying to play a hoax on us. He said "I will scare them off." Said I, "Look here; I wish you would not fire that." I said "O, you fool, you should not have done that." He didn't fire but three shots, and when he fired his third shot the signal of this whistle or blow sounded again, and apparently about twenty or thirty yards right directly in front of the store in the field; I could not tell exactly how far. Said I, "Now, Mac, you see there is no fun in this; that means some harm." I halloosed out and asked them "Are you enemies or friends?" No one answered. I said "If you are enemies, come on if you have anything against either of us, and let us settle it like gentlemen; and if you are not, we have enough of this." Nobody replied. Said I, "We have waited long enough for a reply and have got none; now let us go back to the house and load up our guns and make ready, and if there is any danger let us make ourselves ready for it." He said "All right;" and he went with me and we loaded up our shot-guns. We had one gun with two barrels and one gun with one barrel. I loaded them up with buck-shot and we went back to the store. We went around to the front door and walked out on the front gallery. We staid there some time, but we could not hear anything at all. I proposed to him then that we had better go inside and shut the door, because some one might come up and shoot at us in the dark. He agreed to that, and we went in and stood inside and locked the door. Said I, "You stay in here and pretend as if you were carrying on a conversation with Mr. Perkins and call my name very loud, as if talking to me in the house, and at the same time I will go out and try and take roundences on these parties." I did so. I went out on the right of my house through the back of the garden and came up very slowly and cautiously, with my gun cocked. I was determined to defend myself and my house and family, and if I had seen anybody I expect I would have shot. That was my thought then. I went on, but saw nobody and could not hear anybody. I went very cautiously until I got in front of the store. When I got there I came up the hill and went into the store again, knocked at the door, and told Mac to let me in. I said "I could not see anything. Everything looked still. I expect it was the boys for fun and they have run off." He said "That is what it was." Said I, "Don't be too certain." Said he, "While you were gone I thought I heard some noise." Said he, "Don't you hear?" And we left the place where we had been. Said I, "Stay in here and I will go around that way and see if I can see; and I did the same thing that I did before. I went around and came up the lane very cautiously, and my dog was with me, and I know if there had been anybody within twenty yards of me my dog would have known it, because he won't let any stranger come near me. I went back to the store again. He opened then both doors right wide open, and he sat on one counter and I on the other. They are about nine feet apart. My little daughter came in and got up on the counter right by Mac and they sat there talking. This black man that was with me was standing in there somewhere between us and we were talking first about one thing and then another, but mostly about this strange signal and blowing, and trying to unriddle it and to see what it meant; but none of us could come to any conclusion. Finally, after we staid there about three-quarters of an hour, I told Mr. Aronson, "Look here, Mac, it is about 11 o'clock now, and I am sleepy. I think this thing is all over. Those boys have gone home; let us go to bed." Said he, "O, no, I am not sleepy; it is not more than 9 o'clock." Said I, "If you don't feel like it, come with me over to the house, and you can stay on the gallery, and I will lie down and we can carry on a conversation." He said, "All right;" and I got up and walked out the back door and he followed me until he got to the back door, and there he had forgotten his tobacco. Said he, "Hold my light and let me get my tobacco and pipe." I walked on thinking they would be right after me. I hadn't reached my house (and I don't think it was twenty yards)—I had got within about five or ten feet of my door when the firing commenced. I let go my little girl's hand and ran back to the store as hard as I could go and felt for my gun where I had left it. It had been moved. The light was out and I could not find it. Said I, "My God, what am I to do?" I saw that it was a mob. I thought of my pistols in my bed-room, and I ran in there and got them, and ran back into the store, and in going in I stumbled over the dead body of Aronson. I didn't know that he had been killed. I called for him when I reached the door. I knew as quick as I stumbled that it was his body. I put myself about one-half in at the door—it was a double door, and there was only one shutter, and that was partly opened—I sort of pushed it a little and got myself half out, and said as loud as I could, "What are you

after here? you have killed this man." They remarked to me, "Don't you say a word or we will get you," and they fired one shot. I don't know whether they shot at me or only to alarm me, but they scared me so bad that I liked to have jerked my head out of joint. They were not farther from me than from here to the wall. It looked to me like forty or fifty men. They were not over fifteen feet from me. They were just as thick as my fingers are. When they shot I slammed the door.

Q. Did you see them?—A. Yes, sir; the starlight was very bright.

Q. How many persons did you see?—A. I think there must have been forty or fifty, from the space they covered. They were very thick, and there must have been forty or fifty to cover that space. When they fired at me they hallooed "Scale the pickets, boys;" then I slammed the door to and bolted it. I had to pull Aronson's feet in to bolt the door. While I was bolting the door I heard them say "Scale the pickets." Then I thought of my family, and I went back to them. Then they disappeared. I fastened my front blinds and front door and went inside of the house, and as quick as I could get my family reconciled for me to go back into the back yard, I went. I suppose it was twenty-five or thirty minutes before I could get out. They were scared to death, and when I got there I didn't see anything. My dog was barking very furiously, but I saw nobody.

Q. Was the store plundered?—A. No, sir; it was not. No one came in it at all.

Q. Were those men you saw white or colored?—A. They were colored people; or if they were white people they must have been blacked over very successfully. They had on common black people's clothes.

Q. Had this man Aronson had any difficulty with anybody?—A. None that I know of. No personal difficulty with any one that I know of.

Q. Had he had any difficulty of any kind?—A. None that I know of. No personal difficulties.

Q. Had he been in politics at all?—A. I believe he did belong to a club or something. He had been out that day somewhere and had returned home that night.

Q. Do you know whether he had any enemies in that neighborhood?—A. If he had an enemy, I don't know it.

Q. Was he an inoffensive, quiet man?—A. I think he was one of the most inoffensive men I ever knew. I hadn't been acquainted with him more than eight weeks at the outside. I found him to be a perfect gentleman, as I thought. He boarded at my house and his actions were gentlemanly, and if he had an enemy on earth I didn't know it. I never heard him speak of it. He had some relatives in Bayou Sara here that I have heard him speak of.

Q. These people did not take anything from his store whatever?—A. No, sir; they didn't go into it at all, but I rather think the intention of some of them was to go in when they said "Scale the pickets." I believe they would have come in if I hadn't fastened the door, because they were up at the edge of the gallery.

Q. Have you any knowledge as to whether politics had anything to do with this affair?—A. I don't know. Politics at my house is a rare bird and is scarcely ever mentioned. I live out in the country and can get a paper only about once a month. We cannot keep up with the run of politics, and therefore it is very seldom mentioned.

Q. Have you any further knowledge as to who these parties were?—A. No, sir.

Q. Have there been any attempts made by any officers of the law to arrest these men?—A. Yes, sir; a lot of men collected there and tried to investigate the thing, I believe, and they went out and arrested several parties.

Q. Were those men who collected there to make the investigation officers of the law?—A. I am not able to tell you. I was sick at the time, and didn't know who they were.

Q. Was the sheriff there?—A. I don't think he was. I don't know.

Q. Have you any regulators in your neighborhood?—A. There are certain clubs around there; I believe they are called regulators.

Q. Do you belong to one?—A. I belong to one.

Q. Is it a political club?—A. Yes, sir.

Q. What is it organized for; to see about elections, to get people to vote the straight ticket, or to intimidate?—A. No, sir. Not to intimidate, but to see that justice is done and nobody intimidated.

Q. You have no secret organization?—A. No, sir. No secrets that I have ever heard of. I have belonged to it but a short time, and I have never seen or heard anything wrong about it.

Q. It is just a political club, then?—A. Yes, sir.

Q. You did not drill with arms?—A. If they have ever drilled I have never seen it. We didn't have any drilling in it. We never met with arms. There might be some fellow come up with a pistol on him sometimes.

Q. It is just a campaign club?—A. Just a campaign club, that meets to discuss politics.

Q. How often do you meet?—A. About once or twice a month.

Q. Your club has no purpose to prevent colored people from voting just as they

please?—A. No, sir; it is just the reverse of that. We would see that they voted just what they wished to and not be harmed.

Q. You then were on friendly terms with this gentleman that was killed?—A. Yes, sir.

By Mr. DARRALL:

Q. Are these regulators also called bulldozers?—A. I don't know whether they are or not. Some call them regulators, and some bulldozers.

Q. There are some that are called bulldozers?—A. I don't know; I think not. From what I have heard of bulldozing, I know it is not our club.

Q. Has your club any name?—A. No, sir.

Q. They are not regulators?—A. Some may call them regulators.

Q. You say that your object is for good, and that is your only object?—A. Yes, sir.

Q. You have sworn that your object is not to prevent the colored people from voting.—A. We are not particularly sworn for that; but to see that no injustice is done.

Q. In your evidence you say that one of your objects is to protect colored people in voting.—A. That is the way I understand it; to put down thieving; to see that everybody has a right to do as his heart dictates to him to do. If I am wrong, I beg to be corrected.

By Mr. DARRALL:

Q. One of your objects is to protect the colored people in the right to vote?—A. That is not one of our objects; but we will do it if any one tries to molest them.

Q. Has any one tried to molest them?—A. I don't know; maybe these bulldozers might do it. I don't know who they are. They might interfere. I know that I have heard of some things they do that I know our club would not begin to do. I have heard they have been going around disturbing quiet citizens at all times of night and interfering with white and black. I know our club would not do such a thing as that.

By Mr. GIBSON:

Q. Have they ever interfered with you?—A. No, sir.

Q. Did you ever see them interfere with anybody?—A. No, sir; I have heard this in conversation.

Q. That is only rumor?—A. Yes, sir.

Q. You have no knowledge of what they did?—A. No, sir; no direct knowledge of anything that they ever did in the world.

Q. Did they ever interfere with any of your friends?—A. Not that I know of.

By Mr. DARRALL:

Q. How many members has your club?—A. I have never counted; I have not belonged to it but a short time and haven't seen the roll, and do not know.

Q. Have you a president, secretary, and regular officers?—A. There is only a president, I believe.

Q. Have you a written constitution and by-laws?—A. Yes, sir; there is a constitution to govern us, of course.

Q. Does your constitution state what the objects of your society are?—A. No more than to protect right.

Q. It states that in your constitution, does it?—A. Yes, sir.

By Mr. GIBSON:

Q. You are certain of that?—A. I have not read the constitution, but that is what they told me.

Q. If you have not read the constitution you are swearing to something that you do not know anything about.—A. They told me the constitution was to put down thieving.

Q. Can you swear that there is a written constitution?—A. Yes, sir.

Q. Did you ever see it?—A. No; I have not seen it. No; I cannot swear to it then, because I have not seen it.

By Mr. DARRALL:

Q. Did you take any oath when you joined?—A. I never did.

Q. Did any of your members take any?—A. I didn't see any.

Q. Was there any excitement when Aronson was killed?—A. I didn't see any excitement. There were a great many men came there.

Q. How many came?—A. I was sick, and all that I could see was their faces through my window.

Q. Where did they come from?—A. I cannot tell you that.

Q. Did you hear of people being arrested for that murder, or anybody being hung for it?—A. Yes, sir; I heard that there was a man named Ben King.

Q. You heard of some being killed.—A. Yes, sir.

Q. How many?—A. Two is all I heard of.

Q. These men that you saw out there in front you feel very positive were colored men, do you?—A. O, yes; I am positive of that.

Q. And they numbered forty or fifty.—A. That is to the best of my knowledge. I could not swear to it.

Q. Was there any reason that you can think of why the colored people out there, or any others, should have any cause to kill Aronson? Was there any ill-feeling existing between him and the colored people?—A. Not that I know of. From what one said afterward he had been out that day, I believe, with some party or other, and had chastised a negro for stealing a beef, I think; that Aronson had helped do it. I heard that. I don't know that it is so.

Q. Give us, so far as you know, the history of that affair.—A. That is all I know; what I heard is not testimony. I didn't see it, and don't know anything of the kind. He didn't tell me so himself. I couldn't imagine that anything else could have caused them to come there unless it was something of the kind.

Q. State what you heard in regard to chastising the colored man.—A. I heard that they caught him up and chastised him, and told him not to do so any more.

Q. Who did?—A. The parties; I don't know who they were.

Q. Aronson was one of them.—A. Aronson was one.

Q. Do you know whether there were any others with him? Did you hear that there were?—A. Yes, sir; I heard there were some others. One, I believe.

Q. Were you and Aronson anticipating any trouble that night?—A. Not the least in the world. I don't know what he anticipated, but I didn't hear him say that he did.

Q. Did you anticipate any trouble after you heard that whistle?—A. Not until after the first three or four whistles; then I anticipated the trouble, but he didn't.

Q. You took the precaution to go and make these roundences and investigate the premises?—A. Yes, sir. He still thought it was some of the boys doing it for fun. I don't think he ever thought, up to the last moment of his life, that there was any danger in the world.

Q. Have you heard any whistles like that since?—A. No, sir.

Q. Never, except that one time?—A. That is all.

Q. You were not anticipating any trouble at all?—A. No, sir.

Q. For the chastising of this colored man or for any other reason?—A. None at all.

By Mr. GIBSON:

Q. You had not heard that any man had been chastised that night in the neighborhood, had you?—A. Yes, sir; I had heard it that day, but that never came across my mind once.

By Mr. DARRALL:

Q. You say that from what you have heard there were two men killed. Who killed them?—A. I was not there.

Q. Can you give us any information?—A. I cannot.

Q. Do you know a man named David Smith, a school-teacher living out there?—A. No, sir; I don't know him.

Q. Do you know Henry Brookhart?—A. I don't know him. I have heard of Henry Brookhart somewhere, but I don't know where he lives.

Q. How long have these regulators been organized?—A. I cannot say. I only joined very recently and I never have inquired how long they had been in existence.

Q. Were there any other organization of that kind at the last election in 1874?—A. I haven't voted in six years.

Q. To the best of your knowledge it has only existed a very short time?—A. I cannot tell you; I have no knowledge about it.

Q. What is the condition of your section of the parish?—A. It is all quiet as far as I know since the killing of this man and it was quiet before; and since then it seems to be very quiet.

Q. Has there been among the colored people or white people a good deal of trouble on account of petty larceny?—A. A great deal; I have lost fifteen beeves myself in the last sixteen months, besides ten, fifteen, or twenty hogs.

Q. Who committed this petty larceny?—A. I cannot say. I didn't see it done, but they are gone.

Q. Do your neighbors lose a good deal of stock in the same way?—A. Yes, sir.

Q. Have you any justice of the peace or legal officer out there who could punish this thieving?—A. Yes, sir; we have a justice of the peace for the ward, and he has his constable.

Q. Are they good officers?—A. I don't know how good they are; I never had much to do with them.

Q. Do you not think that a crime of that nature should be punished?—A. I think it ought to be, but I don't think it has been.

Q. Do you think it could be done?—A. I think it could be done if we had the proper officers.

Q. Have you ever heard of complaints that these officers, the justice of peace and

constable, did not attend to their duties?—A. A great deal. There is complaint everywhere; but I could not tell you what the ground of complaint was any more than that they have complained.

Q. How long have you been in town to-day?—A. I came in on the train this morning.

Q. Were these men killed in this parish or Mississippi?—A. All in Mississippi.

Q. There was not much disturbance in this parish after Aronson's death?—A. None at all.

Q. Where did the men live who killed Aronson?—A. I think every one lived in Mississippi.

Q. Are the Mississippi colored people any worse than on this side of the line?—A. Not that I know of. Ours has not made any demonstration as that.

By Mr. GIBSON:

Q. You said there were two men killed up there?—A. I said I heard there were.

Q. Did you hear that they were killed while resisting officers of the law?—A. I didn't hear how they were killed. I heard they were found hanging.

By Mr. DARRALL:

Q. Have you any idea who any of these parties were that shot Aronson?—A. No, sir; I didn't hear any one of them plain enough to identify his voice, but I saw plainly enough to tell that they were colored people. They were dressed in their every-day dresses.

BAYOU SARA, LA., June 21, 1876.

RANDOLPH JOHNSON, colored, sworn and examined.

By Mr. GIBSON:

Question. Where do you live?—Answer. I stay in Mississippi, on Mrs. Brown's place.

Q. Were you present on the occasion of the murder of Mr. Aronson?—A. Yes, sir.

Q. Tell us what you saw.—A. He asked me for to open the door. He says "stop here." I said, "Mr. Aronson, may be that is Mr. Howell or some of them." I opened the door and then I saw the whole row of men standing out there.

Q. Colored men or white men?—A. I don't know. They asked me was Mr. Howell there. I told them no, that he was not there. By that time Mr. Aronson came out and asked them what in the name of God was the matter? They asked Mr. Aronson what did he do with that man that he had this evening. He said he didn't do anything with him. They said yes, that he had done something with him; that he had nearly killed him and "I am going to kill you. You do as well." Just that way.

Q. What took place then?—A. Then they went to shooting.

Q. Then what happened?—A. They shot me in the eye and killed Mr. Aronson. I was standing in front of Mr. Mac, like he was on that side of the door and I was in front of the door.

Q. What happened then?—A. I didn't see anything else happen.

Q. Did you fall when you were shot?—A. Yes, sir.

Q. How long did you lie there?—A. Not many minutes. I went outside and laid down on the side of the steps.

Q. When you opened the door and looked out did you see anybody the first time?—A. Yes, sir.

Q. How many did you see?—A. It looked like about thirty or forty.

Q. Did they have guns?—A. I didn't see any. I didn't know they had any guns until they shot.

Q. Was it a dark night?—A. No, sir.

Q. How far were you from them?—A. I was in the store; I don't know how many feet.

Q. Were they six feet from you?—A. I don't know exactly how many feet it was.

Q. Were they standing near the gallery out in the yard?—A. They were standing right by some China-trees about as far as to that willow-tree yonder. [About 55 feet.]

Q. Are you prepared to swear before God that those were not colored men?—A. I don't know who they were.

Q. You can tell whether they were white or colored?—A. No, sir; I could not swear who they were.

Q. Can you swear that they were not colored men?—A. I don't know who they were.

Q. You could swear that they were men?—A. Yes, sir.

Q. Do you not know whether they were white or colored?—A. No, I don't know whether they were colored or white men.

Q. Do you know whether it was a colored or white man that they were asking Mr.

Aronson about?—A. They were asking for Mr. George Howell. The men asked Mr. Mac what had he done with that man this evening.

Q. What sort of a man was it that they were asking about, colored or white?—A. That was Mr. Howell, a white man, that they were asking about.

Q. What did you understand that they meant by that question?—A. I don't know what it was.

Q. Did you ever see Mr. Howell?—A. Yes, sir; I have seen him.

Q. Had he been there that evening?—A. I don't know.

Q. Had Mr. Aronson been doing anything with him?—A. I hadn't seen him that evening.

Q. Did you see any of these people the next day?—A. No, sir; I didn't see anybody there, but a whole parcel of people came there.

Q. Did the sheriff come there the next day?—A. I don't know.

By Mr. DARRALL:

Q. Did Mr. Aronson shoot, or did they shoot him down without his having an opportunity to shoot?—A. No, sir; he didn't shoot.

Q. He was not armed at all?—A. He had a gun, but he didn't shoot.

Q. Were you working in the store?—A. No, sir; I had just come over there.

Q. How far do you live from that store?—A. About three or four hundred yards.

Q. Do you know anything about the whipping of this man during the day?—A. No, sir.

Q. Was there a man whipped that day?—A. I don't know anything about whether he was whipped or not, because I didn't see anything of it.

Q. Did you hear anything about it?—A. I heard that somebody had corrected a man. I didn't know how it was.

Q. Did you hear Mr. Aronson say anything about it?—A. No, sir; I didn't.

Q. Do you know how many colored men were hung or shot out there immediately after this occurrence?—A. I know there were two.

Q. Did you see them?—A. No, sir; I heard of them.

Q. Did you hear of any more than two?—A. No, sir.

BAYOU SARA, LA., June 21, 1876.

L. S. McCrinDELL sworn and examined.

By Mr. GIBSON:

Q. State your residence.—A. I live in this parish.

Q. Do you occupy any official position?—A. I am coroner of the parish.

Q. Have you any knowledge of the alleged murder of Mr. Aronson?—A. Only officially. I was called upon the night of the 12th of May, I think it was, to go out and investigate this matter, and on Saturday, the 13th, I went out. The man was killed on the night of the 11th.

Q. You can state the substance of the knowledge you have on that subject.—A. I have no knowledge except what the witnesses have testified to before me. It is about sixteen miles from here, and the place where he was killed is probably about twenty or thirty steps from the Mississippi line, and parties could have shot from Mississippi into Louisiana and killed this man, for they were right out in front of the house. I examined Mr. Perkins and this colored man Johnson. Their testimony was the same. I only inquired into the facts.

Q. Have you any knowledge of any other man being killed in this parish?—A. No, sir. He is the only man that I have held an inquest upon.

Q. It is your duty to hold an inquest in every case of killing within the limits of the parish?—A. Yes, sir.

Q. What is the condition of affairs here in that respect? Have there been many persons killed here in the last twelve months?—A. There have been since the 1st of January. I have prepared a report of all the inquests I have held since I have been in office, since the 4th of April, 1875. There have been in all, inquests on accidental and violent deaths, thirty-three in that time. Of that number seven were drowned; heart-disease, four; burns, two; gunshot-wounds, thirteen; apoplexy, three; knife-wound, one. I will explain that "accidental or otherwise." There is one man, a negro, who died from the effects of injuries. He had a disturbance, or fight, with some soldiers that were here about two months ago. The negro went home and died from the effects of the injuries received. Upon *post mortem* examination it was found that his intestines were very much bruised and liver lacerated. I class that "accidental or otherwise." He died from the effects of these injuries. The gunshot-wounds were thirteen. Ten of these were colored men, killed by colored men on account of private difficulties, almost every time about a woman. Three colored men were killed by unknown parties, that is, the jury's verdict in these cases was "Unknown." One was

the man killed by soldiers. Another was a man who was found out afterward, but escaped; he was a negro, too. That was on a plantation about seven miles from here. The third was another negro that was killed by unknown men. The jury did not bring in a verdict accusing any one, and there was never an affidavit made against any one. This knife-wound was received by a man in a difficulty about his wife. There have been two white men killed by colored men. We have not any case of a negro being killed by a white man, except this one case where the man was killed by the soldiers. He was evidently killed by the soldiers, but there was no testimony against any particular man. He was killed in a fracas or a knock-down fight. I had the facts of the case as to how the difficulty originated.

Q. Are these all the instances in which you have been called upon to act in your official capacity as coroner?—A. Yes, sir.

By Mr. DARRALL:

Q. Were you elected or appointed?—A. I was appointed.

Q. To fill a vacancy?—A. Yes, sir. The coroner was appointed sheriff.

Q. Mr. Kaufmann?—A. Yes, sir.

Q. Can you give us any information about the regulators or bulldozers?—A. What I understand about regulators is this: In case of a disturbance of any sort—for instance, in this case of Aronson—the white citizens all turned out; they were men that did not belong to clubs.

Q. Were they from this place?—Yes, sir; from here.

Q. How many were from here do you think?—A. I do not know exactly; fifteen or twenty, I suppose. Regulator is a term applied to any one who tries to keep order, &c., in case of disturbance; they all go to preserve peace as well as they can.

Q. Why do you not leave that to your officers elected or appointed for that purpose?—A. They do not take any steps in the matter.

Q. Did you consider it necessary in the case of Aronson, who was killed twenty miles from here, that persons should go from all over the parish there?—A. We received rumors of all descriptions.

Q. Do you think there is any necessity for fifteen or twenty men to go from this town in a case of that kind?—A. It is hard to judge.

Q. With the facts as now before you, was there any necessity for such action?—A. I think there was, because there were some four or five hundred negroes in arms and they had resisted the sheriff.

Q. Have you positive knowledge that there were four or five hundred negroes in arms?—A. That is my information.

Q. How many whites in arms?—A. I suppose the same number. They would come from every direction.

Q. There was some little fighting, was there not?—A. Yes, sir.

Q. How many were killed, so far as you are informed?—A. I suppose fifteen to twenty-five.

Q. Were any whites killed except Aronson?—A. No, sir.

Q. If there were fifteen colored men killed, how does it come that there were no whites killed?—A. I ascribe that to the fact of the whites being better armed and to their being better shots.

Q. Are the colored people armed in your parish?—A. Yes, sir; with pistols, &c.

Q. Are they armed with a good class of weapons?—A. Shot-guns, revolvers, Colt's improved revolvers; as good as anybody wants.

Q. Are your white population generally armed?—A. Yes; they generally have guns. Almost every one in the country has a sporting-rifle, and breech-loading shot-guns, &c. I have one myself.

Q. As you understand it, these regulators are not a political organization, as Mr. Perkins has testified?—A. No, sir. It is not an organization for the purpose of intimidation or anything of the sort. There is no oath taken by them binding themselves to do so and so. The best people in the country belong to them. Hearing rumors of outrages committed they all turn out.

Q. Have there been any outrages committed in this parish in the last year except the killing of Aronson?—A. No, sir; not that I remember.

Q. Then what is the necessity of these people all being organized and ready to turn out?—A. They are not organized.

Q. They are armed.—A. Hearing rumors, in exciting times, of that sort you cannot tell what is really going to happen.

Q. Do you not have too much excitement for the good of the people here?—A. Very likely. There is a great deal. You can't explain it. You hear reports of all descriptions, and you don't know what to believe.

Q. Did you hear that rumor about a circus going down the river, and down at Bayou Sara they thought it was a company of colored regulators, or something of that kind?—A. I remember a circus came.

Q. There was a good deal of excitement about it, was there not?—A. No; not a great deal. I interviewed one of the circus-men myself.

Q. Were not the regulators talking of going to Fort Adams at that time?—A. No, sir; the sheriff of Wilkinson County, Mr. Noble, was up there at the time.

Q. Then you consider that your officers of the law are not efficient?—A. I do not think they are efficient.

Q. They are not able to protect the people?—A. The people have not enough confidence in them.

Q. You are the coroner, the officer in succession to the sheriff?—A. Yes, sir.

Q. Do you think you could protect the people if you were sheriff?—A. Yes, sir; I think I could. I have said this: If I were sheriff and desired to raise a posse, I could do it without trouble. It is a posse of citizens that they call bulldozers or regulators.

Q. Could not your present sheriff raise a posse?—A. I do not believe he could.

Q. Why?—A. The people have no confidence in him. He is an erratic old man.

Q. Is he a coward?—A. No, sir; but he flies off half-cocked about everything, and people have no confidence in him about what he says about everything. He will go and start reports and expect people to turn out.

Q. What are his politics?—A. Republican.

Q. Is that any objection to him?—A. No, sir; because when he came into office the white people all thought he would be an acquisition, and would be an efficient man.

Q. What has been his reputation heretofore; he has lived here a long time?—A. I do not know.

Q. Was he not recommended by a number of the leading citizens?—A. I don't know.

Q. He was appointed?—A. He was elected coroner, but he was appointed sheriff.

Q. When he was appointed the appointment gave satisfaction?—A. Apparently. It is only since his appointment that he does not fulfill the expectations of the people. On several occasions he has injured the people; that is, by his malicious dispatches. At least he got credit for the dispatches; I don't know whether he sent them or not. The dispatches have no foundation in truth. We would see them published in the papers; but he says that he was not responsible for these dispatches; that he did not send them. I cannot say that he did.

Q. You have had more or less trouble here for the last year or so, have you not?—A. Yes, sir.

Q. Can you give the committee any idea of the origin or cause, or what could be done to prevent it?—A. I think a good officer could prevent it.

Q. You think it was on account of bad officers?—A. Yes, sir.

By Mr. GIBSON:

Q. What were the troubles?—A. These personal difficulties, street-fights, &c.

By Mr. DARRALL:

Q. You say the reason of your troubles is on account of inefficient officers; are the officers all republicans or democrats?—A. They are all republicans.

Q. Can you make any direct charges against them?—A. They are incompetent in general; for instance, take the parish judge; he used to spell his name—

Q. Does he do his duty properly? No, he cannot; he is not efficient. A man can't do his duty unless he is efficient.

Q. Does he make any unrighteous decisions?—A. I do not know about that.

Q. Is your district judge a good officer?—A. Yes, sir; he is a republican.

Q. A decision of the parish judge could be appealed to the district judge, could it not? A. I do not know about that. The parish judge is incapable of making a decision according to law. He is nothing of a lawyer. He is very ignorant. He has taught school.

By Mr. GIBSON:

Q. Has he any education?—A. Very little. He can read and write, but he writes a very bad hand, and you can hardly read it when he does write.

Q. You have stated that many of the citizens had arms in the parish?—A. Yes, sir.

Q. Were these arms weapons for killing men or were they sporting-guns?—A. Sporting-guns.

Q. Do you not consider it the duty of all good citizens when they hear of an outrage like this man Aronson being killed to repair to the scene and ascertain as good men what was the cause of the disturbance?—A. I do.

Q. Was that the motive these people had in coming together?—A. That was the motive; yes, sir.

Q. Did you ever know of armed bodies of men collecting in this parish for the purpose of killing anybody or intimidating any body?—A. No, sir; not to my knowledge. It has been for protection only that they have collected.

Q. Have you any knowledge of any existing league called regulators in this parish?—A. No, sir; as I remarked, the term regulator is just a sort of slang term. When any disturbance arises the citizens get together as a posse.

Q. They come out in public in the event of an outrage, or anything of the kind, to ascertain what it is?—A. Certainly.

Q. And to assist the officers of the law, if the officers of the law are attending to it?—A. Certainly. Dr. Mumford and different gentlemen in this town left their families, and stores, &c., and went. They did not belong to any organization. They are business men.

Q. What is the condition of the people here with reference to small property like pigs, fowls, garden products, &c.? Are there many depredations committed against that class of property in the parish?—A. Yes, sir; a great many. I could tell you my own experience in that. About five years ago on our little place we milked, say, twenty-five cows, and to-day we milk but one. Instead of increasing they have decreased.

Q. Have you sold them all?—A. We never sold one.

Q. What has become of them?—A. They were stolen, I suppose; they have disappeared. It is the same all through the country.

Q. Are thefts of that kind frequent in the parish?—A. Yes, sir; such a thing as raising a hog is almost impossible. You could do so, I suppose, by having hogs in the yard, but you could not by turning them out.

Q. Is there a disposition on the part of the people to sustain the administration and enforcement of the laws?—A. Yes, sir.

Q. Is there any disposition to violate the law on the part of these gentlemen who come together with their shot-guns and sporting-rifles on occasions of these alleged outrages?—A. No, sir; they apparently try to be as moderate as they can and do what is right. That is their object; not to allow any wrongs of any sort.

Q. Have you any knowledge of these regulators having killed anybody?—A. No, sir.

Q. Or intimidated anybody?—A. No, sir.

Q. Or violated anybody's rights?—A. No, sir; not that I know of. I have not held an inquest on any of them, and I certainly would if they had been killed.

By Mr. DARRALL:

Q. You get pay for an inquest, do you?—A. Certainly. I always go.

Q. Were there any stores burned, or any disturbances last fall in this parish or the neighboring parishes?—A. Yes, sir.

By Mr. GIBSON:

Q. State the circumstances of the burning of those stores.—A. That was out in the country.

By Mr. DARRALL:

Q. Did not your difficulties here begin about that time, and did they not seem to have their origin on account of the stealing of cotton and burning of stores?—A. No, sir; since that store has been closed, everything has been quiet until Aronson was killed.

Q. Did you have any disturbances before the stores were burned?—A. Yes, sir; a short time before that—September a year ago, when the negroes came down. They were armed men, and we did not know anything about it until they were sacking the store up there. They had brought coal-oil with them. The sheriff collected a posse of twelve citizens and they met them at the forks of the road and dispersed them. The negroes ran away.

By Mr. GIBSON:

Q. Was anybody killed?—A. No, sir; there were one or two wounded. No one was ever arrested for it. The sheriff was a colored man.

By Mr. DARRALL:

Q. Tell us in regard to that cotton-stealing.—A. Every fall it has been the practice of parties to start stores in the country around town, say for ten or twelve miles. There traffic was in seed-cotton altogether, and one or two years it has been almost the ruination of the planters, and they resolved to put a stop to it.

Q. How many of the stores were burned, do you think?—A. I don't know.

Q. Was not that the origin of the regulators, when they were organized?—A. I do not think there was any distinct organization.

Q. Do you belong to the regulators?—A. No, sir; I do not. I would go out if I was called upon for any disturbance.

Q. Did you have any such bodies of men as regulators before the time of this store burning, and was this store burning connected in any way with politics?—A. No, sir; not a particle of connection. It was done to protect the people. They could not protect themselves in any other way. It was useless to appeal to the law. If a man was brought up for stealing a cow he could not be convicted.

Q. As cotton all looks alike, I suppose it is very difficult to identify any stolen cotton?—A. It is; even if you catch the thief you could not convict him.

Q. Why is that?—A. The fault is in the jury system.

Q. As I understand it, these citizens will serve under anybody that calls them out except your sheriff. They will serve under you if you were sheriff?—A. I do not know that they would not do it under the sheriff, but I say that I am confident that if I were sheriff they would serve under me.

Q. They served under Dr. Mumford in going out to Laurel Hill?—A. Yes, sir. A body of men went to Port Hudson the other day in that difficulty.

Q. Who led them?—A. I do not know. They went there to report to just any one.

Q. You think it is doubtful whether the sheriff of this parish could get a posse to serve under him to suppress any disturbance?—A. I do not know. I would not like to say that. I do not know that he has ever called upon them.

By Mr. GIBSON:

Q. Do you mean to say that if the sheriff of this parish called upon the citizens to assist him in arresting any criminal, to prevent outrages, they would not assist?—A. I believe they would, of course.

Q. You mean to say that the objections that the citizens have to the present sheriff is that he is a man of not much discretion?—A. He has bad judgment, I think. As far as courage goes he has plenty of that.

Q. Have you any knowledge of the citizens declining to give assistance to officers of the law in the discharge of their duties?—A. No, sir.

Q. Have you any knowledge of cases in which citizens have taken the law into their own hands?—A. No, sir; I do not think I have except in the burning of those cotton stores. I suppose you would call that taking the law into their own hands.

By Mr. DARRALL:

Q. Was it not taking the law into their own hands when they compelled some of the parish officers to resign?—A. That was at a mass-meeting; the jurors were incompetent, and passed resolutions to that effect to request them to resign, and they brought the petition to them to resign, and they did resign. I was not present. That was one of the resolutions, that they be requested to resign. I do not know that that is taking the law in their own hands.

By Mr. GIBSON:

Q. Was there any violence or intimidation used?—A. I do not know of any.

BAYOU SARA, LA., *June 21, 1876.*

JOHN OGDEN sworn and examined.

By Mr. GIBSON:

Question. State your residence and occupation.—Answer. I live in Mississippi, about four hundred yards from Mr. Perkins.

Q. What is your business?—A. I am a farmer.

Q. Tell us all you know, if you know anything, about this occurrence of the killing of Aronson.—A. I was in bed at the time, lying by the window, and was waked up by the volley of shots. I thought it was some mob going on. It frightened me at first, and I thought, of course, the next man to be shot would be me. They came right across my field in sight and hearing, so I thought I would go out of the house. I went down into the field and heard a lot of men coming down the road talking and going on. I got in some bushes and heard a man come along. He did not see me. He came from the direction of Mrs. Woods's house, not from the direction of the store; that's all I know about it.

Q. Did you go to Mr. Perkins's?—A. Yes, sir; after the thing was done.

Q. What did you see there?—A. I saw a dead man.

Q. Who was he?—A. Aronson.

Q. Did you see the colored man who testified here to-day, Randolph Johnson?—A. I did not.

Q. Did you see these people pass near you through your field?—A. No, sir.

Q. Did you hear them talk?—A. Yes, sir; I heard the dogs barking down the road.

Q. Could you hear what they said?—A. No, sir.

Q. You could not identify them.—A. No, sir; a boy that lives on the place came up to the house and asked my wife where I was. She said I was not there. He said, "There has been a lot of shooting down at the store, and I want him to come down with me."

Q. Was he a colored or white man?—A. A colored boy. She said, "You had better go down yourself." He said, "No, I am afraid; I can't go." She said, "He will be back home directly, and he will go with you." So he went down to the quarter. When I came back I went down to the quarter and waked up another man, Dan, and

asked what it meant; did he hear it? He said, "No." I said, "They tell me at the house there has been a lot of shooting going on down there, and Ben came up for me to go down with him, and now I have come to go, although I don't know whether it will be safe for me or not." By that time Ben came out of his house. I said, "I would go down if I was not afraid." He says, "O, they won't hurt you." I said, "I don't know so well about that." He said, "I know they won't." So I says, "Well, suppose we go." He says, "I will go with you." I said, "All right, come on." Dan spoke up then and said, "I will go." His wife was an old woman, and she said, "Dan, you had better not go, for they might come after Mr. Ogden and Ben, and they can outrage you." We got there and called Mr. Perkins, and called a good while before I could make him answer. Finally he came out, and he told me that there had been a crowd come there and killed Max Aronson. That is all I know about it.

Q. Were those men that came and killed him white or colored?—A. I don't know: The only man I saw that night was Mr. Perkins.

Q. This man told you that there would be no danger to you. Do you not suppose that he knew who they were?—A. I don't know.

Q. Did you ask him?—A. No, I did not. I said, "I don't know so well about that." He said, "I know they won't hurt you."

Q. Do you know whether these men that killed Aronson were colored or white?—A. No, sir.

Q. Is that all you know about it?—A. That is all I know about it.

Q. Do you know of the sheriff coming down to make arrests afterward?—A. I heard of it. I don't know it.

Q. Did you hear that he was resisted?—A. Yes, sir. I heard that he was fired into by a crowd of men.

By Mr. DARRALL:

Q. Did you take your gun along with you when you went out in the first place?—A. I have no gun. I never had any arms in the house. I had a pistol, but a boy that I had hired borrowed it.

Q. Why were you scared so much? You were not harmed.—A. No, sir.

Q. You say you felt rather scared?—A. Yes, sir; I was in that house and had nothing to defend myself with.

Q. Were you expecting any disturbance?—A. No, sir; I was not. It surprised me terribly.

Q. Has your neighborhood been quiet generally?—A. It always has been since I have been born.

Q. Did you know Aronson?—A. I got acquainted with him there.

Q. Do you know of any grudge or ill-feeling toward him on the part of anybody?—A. No, sir.

Q. Did you hear anything about a man having been whipped during the day, for stealing or something?—A. I heard it talked of.

Q. What did you hear in regard to that?—A. I just heard that a man had been whipped.

Q. Who had whipped him?—A. I don't know.

Q. Did you never hear who had whipped him?—A. No, sir.

Q. Did you ever hear whether Aronson had been concerned in it?—A. No, sir.

Q. Where did the man live that had been whipped?—A. He lived everywhere.

Q. Where was he when he was whipped?—A. I don't know.

Q. Were you one of the men that whipped him?—A. I was not.

Q. Do you know any of the men that whipped him?—A. I do not.

Q. You cannot give us much information upon that point?—A. No, sir; I was in bed.

Q. He was whipped in the day-time?—A. I came out of the field at sundown where I had been working. I had a woman and man hired and they told me of it when I got to the house.

Q. Can you tell us anything about the killing of any man afterward?—A. No, sir.

Q. You lived right there. What did you hear? Was anybody killed, do you think?—A. I think one was killed; because I saw one hanging; he was hung right at the lane.

Q. Who hung him?—A. A crowd of men.

Q. Do you know where they were from?—A. No, sir; I know they lived in Wilkinson County, Mississippi.

Q. Was there much excitement following this?—A. Yes, sir; and the excitement has not died out yet. The people are scared to death.

Q. Are you scared to death?—A. Yes, sir. I don't know how long it will be until they come and take a pull at me—the men that killed that man.

Q. They were not regulators, were they?—A. No, sir.

Q. Do you belong to the regulators?—A. I do not; I do not know them.

Q. You say there is still considerable fear among your people out there?—A. Yes, sir; my wife is scared all the time I am out of the house.

Q. Have any of your neighbors any grudge against you?—A. I don't know. Aronson did not think there was any against him.

Q. Still you heard that he had whipped that man that day. You have never whipped any man, have you?—A. No, sir; I never did. When I came out of the field the negro man told me that he heard a man had been whipped.

Q. You heard that the evening before he was killed?—A. The same evening.

Q. Before he was killed?—A. Yes, sir.

Q. From the best information you have, how many men were killed there besides Aronson?

The WITNESS. White men?

Mr. DARRALL. Any men.

A. I did not see but one white man.

Q. From the information you have, were there any others killed?—A. Yes, sir; I heard there was.

Q. How many to the best of your knowledge; you did not see them killed?—A. I did not see any of them killed, and I don't know how many were killed. I saw one hanging. I hear everything.

Q. Give us your opinion as to how many were killed.—A. From all I have heard, about four or five. One was killed where I could see him, and I heard another one was killed not far off.

Q. Do you anticipate any danger from the people who live near you?—A. I don't know. I never did before, but I have since. I have heard some remarks made since.

Q. Remarks from the colored people?—A. No, sir; I have just heard talking around of all sorts, mostly by the whites.

Q. Have you heard threats, or anything of that sort, on the part of the colored people since that difficulty?—A. No, sir. Some of the colored people around there went off.

Q. Went off where?—A. They left the country.

Q. What kind of colored people were they who left the country?—A. I don't know. They were colored; that is all I know.

Q. Were they good or bad people?—A. I don't know. Some of them lived on the place with me.

Q. How many do you think left that section of the country altogether?—A. Ten or fifteen.

Q. Did they take their families?—A. No, sir.

Q. Have they come back?—A. No, sir.

Q. Would it be safe for them to come back?—A. That I don't know.

Q. What is your opinion?—A. I don't know whether it would or not; that is my opinion. I might say yes, and it might be no.

Q. Have you ever heard threats toward those that ran off?—A. No, sir.

Q. Do you anticipate any further trouble and disturbance out there?—A. I don't know about that. We did not think this trouble was coming on. I think there will be no more trouble, only there may be a man killed now and then; that is all the trouble there will be, I think.

Q. You do not think there is any danger of any general negro-rising?—A. O, no, sir; only at times; but if there is a white man killed by a colored man, it may cause trouble.

Q. The people are rather excitable?—A. Yes, sir.

Q. You have heard of negro-risings?—A. I have.

Q. You have lived in the South all your life?—A. Yes, sir.

Q. You never knew of risings unless you call this one difficulty a rising?—A. In 1874 they had a riot at Bayou Sara.

Q. You do not know anything about that?—A. Yes, sir; I saw the negroes coming to this thing. The negroes on my place came here and then came back and wanted to get recruits.

By Mr. GIBSON:

Q. Whom had they been fighting? Had they not been fighting the sheriff?—A. I don't know. A man came up and said they had a fight last night; and I said, "What is the matter; what are you fighting about?" He said, "I don't know what; the white people are fighting." I said, "That is mighty strange that you don't know what you are fighting for." I did not go off the place. I heard of it, and saw the men going and coming back—white and black, too.

By Mr. DARRALL:

Have your white neighbors generally as much dread of future violence as you have?—

A. I don't know what they feel.

Q. Do you ever visit or see your neighbors?—A. Yes, sir.

Q. Do you ever talk about these things?—A. I talk with them.

Q. Have you ever heard of any expressions from your neighbors as to this matter?—

A. If there is another man killed there they may kick up another fuss. But now, after this man has been killed, if things keep wearing off and there is no more men killed, I don't think there will be any more trouble. But if there is another man killed to-morrow, I expect the same thing will be done over. I don't know. A man cannot sit down and be killed by a mob.

Q. Did you ever see a mob except that white mob that hung a man in sight of your house?—A. No, sir; I did not see anybody hanging a man. I saw him hanging.

Q. Is it your opinion that it was a mob that shot Mr. Aronson?—A. Yes, sir.

Q. Why do you think it was a mob rather than some personal enemies?—A. I just think that.

BAYOU SARA, LA., *June 21, 1876.*

E. H. LEWIS sworn and examined.

By Mr. GIBSON:

Q. Where do you reside and what is your occupation?—A. I live just above the line, in Wilkinson County, Mississippi. I am a farmer.

Q. Do you know anything about the alleged murder of Mr. Aronson?—A. No, sir; not anything as regards the facts of the murder.

Q. Do you know anything of the facts relating to the transaction in any way—the circumstances attending the murder?—A. I saw him the day after he was shot.

Q. Have you any knowledge or information as to who killed him?—A. Only from the evidence of negroes that was taken.

Q. What did they have to say about it?—A. They inculpated between twenty and twenty-five negroes in committing the murder.

Q. What knowledge had you of any negroes that were said to be concerned in the murder?—A. They arrested two that were concerned in the murder. Those are the only ones I saw.

Q. Who arrested them?—A. The white people.

Q. Was there any sheriff there?—A. No, sir.

Q. Did the white men interrogate these two negroes?—A. Yes, sir.

Q. How many white men were there?—A. I suppose between forty and fifty. They were the neighbors around there that had assembled.

Q. When they heard of this outrage?—A. When they heard of this outrage.

Q. State what took place there.—A. To begin at the beginning, I think it was the 11th of May, I am not certain of the date. I did not hear of the murder, as I live about three or four miles from the place, until the next day, say, between 12 and 1 o'clock. I and a neighbor of mine repaired to the scene of the murder, and we found that Mr. Aronson had been murdered in his store, and some of the neighbors had already assembled—say ten or fifteen of them. As far as the murder is concerned, that is all I know.

Q. Did the citizens volunteer or attempt to ascertain who had committed this outrage?—A. Yes, sir. The public feeling was that it was a dastardly outrage, and a very cruel and unprovoked murder.

Q. An outrage against the community, too?—A. Yes, sir; and they turned out to find the perpetrators of it. That was my feeling in regard to it. They wanted to find out who the guilty parties were.

Q. Did you get any information on that subject?—A. We arrested several parties around there. From the best evidence we could get we arrested several negroes.

Q. Did you turn them over to the officers of the law?—A. We turned some loose, and some are there yet. Of my own personal knowledge I cannot say what became of the rest of them.

Q. What is the condition of the feeling of the white people of this parish toward the colored people?—A. I cannot tell you; I am not a resident of this parish.

By Mr. DARRALL:

Q. Did you and your neighbors find the guilty parties?—A. I suppose we did. I do not know.

Q. How do you know they were the guilty parties?—A. I say I do not know. I suppose they were.

Q. Give us your information.—A. I suppose that some of them were concerned in the murder; at least, I believe so, but I could not state positively of my own knowledge.

Q. Did you turn any of these parties over to the sheriff or other officers of the law?—A. Yes, sir; some of them.

Q. And others were let loose?—A. Yes, sir.

Q. Were any of these parties arrested by the citizens or by the officers of the law, ever dealt with according to law? Were they ever tried by any court or before any justice of the peace? You live in Woodville?—A. No, sir; I live about seven miles from Woodville. Two connected with this matter are now in jail waiting trial.

Q. Why do you think you found some of the guilty parties? Did they make any confession, or anything of the kind, or did you take any evidence on the subject?—A.

There were some confessed. There is one man who is now in jail who confessed and implicated others.

By Mr. GIBSON :

Q. Were these white or colored men ?—A. Colored men.

Q. You reside in Mississippi ?—A. Yes, sir ; just above the line. I reside about three miles from where the murder took place.

Q. What you are relating now took place in Mississippi ?—A. No, sir ; but the arrests did.

By Mr. DARRALL :

Q. Did the arrests all occur in Mississippi ?—A. Yes, sir.

Q. Were the colored men all shot or hung in Mississippi, or were they in this State ? It has been testified that one was seen hanging.—A. I did not see any of these men hanging. I do not know anything about that.

BAYOU SARA, LA., June 21, 1876.

CHARLES N. GIBBONS sworn and examined.

By Mr. GIBSON :

Q. Where do you reside ?—A. I reside in West Feliciana Parish.

Q. Do you occupy any public position in this parish ?—A. I am a member of the police-jury.

Q. How long have you served in that capacity ?—A. Since January, 1875. I was elected in November, 1874.

Q. How many members of the police jury are there in this parish ?—A. I am the only member that I know of now. By law we have five.

Q. Are they elected by the people or appointed by the governor ?—A. It is the duty of the people to elect, in November every two years, at the general election, five persons as members of the police-jury. I was elected in November, 1874. Since that time there have been some resignations, and some appointments by the governor. There is only one member now, I believe.

Q. Have you any knowledge of the citizens here requesting or petitioning them to resign ?—A. Yes, sir.

Q. State all you know with reference to that ?—A. I forget the date, but it was at the last meeting we had. I think it was the first Monday in May.

Q. Have you any knowledge of this outrage that was committed in this parish near the Mississippi line, in which Mr. Aronson was killed ?—A. None at all.

Q. Have you knowledge of the killing of anybody in this parish ?—A. No, sir ; I have no knowledge of anything of the kind.

Q. Are the people here generally peaceable ?—A. I think so. There has been nothing but my duties as police-juror to bring me to town.

Q. Is your neighborhood quiet ?—A. Yes, sir.

Q. And all at peace with one another ?—A. Yes, sir.

Q. State whether you have any knowledge of people making a petition to certain officers, requesting them to resign.—A. Yes, sir. The police-jury, at a meeting previous to the one in May, requested the citizens to come down and meet them for the purpose of redistricting the roads of the parish. On the first Monday in May we were assembled, and after getting pretty well through our business, we were appointing some road-overseers, and I was writing the names of some of the road-overseers when the petition was presented. What was said or done I have no knowledge of. I know that two members offered me a paper purporting to be their signatures. I said, "I have nothing to do with this. I am writing out the names of the persons you desire as road-overseers, and you can do as you please ; I have nothing to do with that." When I got through I was going to put the motion to receive these persons as road-overseers and there was nobody there but myself, and I had to adjourn the meeting. I could only declare the meeting adjourned.

Q. Was there any intimidation used by the citizens ?—A. Not the least that I saw.

Q. Do you know what objection there was to those members ?—A. Incompetency.

Q. What sort of incompetency ?—A. Ignorance. They were illiterate. I do not know this but I presume that was the cause. I understand it was. I know that they were utterly incompetent, insomuch that I had offered my resignation several times or had written it out and had come down here to send it to the governor, but I was persuaded by both white and colored parties, who said I had been elected by the people of the parish and that I ought not to do it.

Q. How long have you lived in this parish ?—A. I have lived here permanently about seventeen or eighteen years. I came to this parish about thirty-one years ago, but I did not reside here all the time. I resided part of the time in East Feliciana.

Q. I suppose you are fifty-five or sixty years of age?—A. I am nearly seventy.

Q. What are your politics?—A. They are conservative. I am for the fulfillment of the Constitution of the United States, and for the fulfillment of the constitution of each state in the Union.

Q. You are in favor of protecting the colored people in their rights?—A. Perfectly.

Q. You have no prejudices against the colored people?—A. None at all.

Q. Have you any prejudice against a man because he happens to have been born in the North, and he comes here to live?—A. None at all; I have no political prejudices whatever. I have my opinions, but I am very quiet about them.

Q. Do you think your people in the parish are willing to allow the colored people to live here and vote as they please?—A. I not only believe so, but I absolutely know it.

Q. Do you think they would be willing for people to come here from the North, buy property, do business, and vote as they felt like voting?—A. I not only believe that, but I know that is their wish. They want men of integrity, honesty, and industry to live here.

Q. They would like for them to bring a little money?—A. They would like for them to have a little money. We want them to come; that is my opinion.

Q. You are glad to see them come?—A. We are glad to see them come; that is, the good citizens. We have a heap of bad citizens, white as well as colored. No doubt there are bad men in all communities.

Q. Do you desire us to tell the Representatives in Congress from the North that the people of West Feliciana Parish are willing for northern men to come down here and settle among them?—A. You would be telling the truth if you did so.

Q. Were these persons who presented this petition to the members of the police-jury asking them to resign their office substantial citizens, or were they lawless men?—A. As I remarked, I was busy writing, and I do not know the particular parties; but I know that I had seen many persons around in the room from time to time. I was acting as president of the police-jury, and of course once in a while I would see the parties in there. They were our best citizens. I saw no bad men that I know of in the court-house. They were good citizens and men of property.

Q. Did you hear these members who resigned complain that they were compelled to resign; that their lives or property were threatened?—A. No, sir; I did not hear that; on the contrary I heard of one man who held his office by election say that he knew he was incompetent. He said, "I know I am incompetent, and I have offered my resignation three or four times and it has not been accepted." I heard no intimidation, and I did not hear them say that they were intimidated. As I told you a while ago, when I got through writing out the names of the road-overseers, I turned around and there was nobody there. I don't know what became of them, and I have not seen their resignations. A paper was handed to me which I supposed was a resignation, and which I would not have anything to do with.

By Mr. DARRALL:

Q. Are you republican or democrat?—A. You may call me a democrat. I have been called a democrat all my life.

Q. Is it right to call you a democrat? Do not be ashamed of it.—A. I do not really belong to either party.

Q. How do you vote?—A. Two or three times in my life I have divided my vote; where I thought the straight ticket, for instance, did not suit me.

Q. Do you vote the republican ticket?—A. No, sir.

Q. You are sure on that point?—A. Yes, sir.

By Mr. GIBSON:

Q. For whom did you vote for governor of this State in 1871?—A. I do not believe I voted at all. If I did I do not remember who I voted for. If I voted at all I voted for McEnergy.

Q. You are not much of a partisan?—A. No, sir; my politics are done. All I ask is peace and quietness and a chance to live and keep what I have earned.

By Mr. DARRALL:

Q. You say there is no prejudice against northern men here?—A. I say positively that I know of none. I never have known of any; and the people, so far as I know, all over the South would like for men to come here and fill up our State, whether they come from the North or South or the East or West.

Q. Suppose they come from the North or elsewhere and want to hold all the offices and get the ignorant negroes to elect them to office; do you want that kind of men?—A. No, sir; we don't want that kind of men here.

Q. Suppose they come and simply advise the colored people to vote the republican ticket; do you want them then?—A. I do not desire them, I suppose; I speak for myself; I do not desire those people to come down here.

Q. Suppose a man from the North buys a farm near you, pays his debts, has colored

people work for him, takes an active part in politics, and goes out and makes speeches and advises colored people to vote the radical ticket; do you want that kind of a citizen among you?—A. We have no objection. They have a right to their opinion.

Q. You have no objection to their making speeches?—A. Not a bit; I have not.

Q. You have objection to their holding all the offices?—A. Of course we would be—

By Mr. GIBSON:

Q. Would you object if they were honest men, when elected to office?—A. Not at all. That is what I was going to say: provided they are efficient and honest men, we have no objection to their holding office. I have never heard complaints of that kind. For instance, in our parish there has been nobody holding office for the last five or six years but republicans, and I do not know absolutely whether they were northern or southern men. They have held all the offices there by appointment or election, and I have heard no complaint against them except for the inefficiency and incompetency of some of the persons holding office.

By Mr. DARRALL:

Q. Have you heard anything about dishonesty? Do they rob and plunder the people?—A. O, I do not know anything about that. I have had nothing to do since I was on the police-jury. We used to meet every week on the jury, and that was one reason I wanted to resign. Said I, "This won't do." They would open the police-jury one minute, and the next minute some man would make a motion that the reading of the minutes should be dispensed with, and then another man would make a motion to adjourn. That went on, I think, nearly a year, and said I, "Boys, it appears to me you don't care for anything except your per diem;" and they said: "That is all we come for." Consequently I have had nothing to do on the police-jury, except to keep peace and quiet.

Q. Was there any danger of disturbance there?—A. O, no it was only idle talk.

Q. Do you mean to say that there is no prejudice in this community against a man on account of his republicanism?—A. I say I do not know of any; I have none.

Q. Is it your opinion that there is no prejudice in your parish against a man because he is a republican?—A. Not at all; I do not know of any. We have prejudices against anybody who does wrong. You may call it prejudice. We deprecate wrong in all parties.

Q. The majority of your people in this parish are republicans, are they not, and the majority of your officers are republicans?—A. I was elected by the people, and it was against my wishes. I was elected by both parties, and I said I would not serve, but I was persuaded to do it.

By Mr. GIBSON:

Q. Have you any knowledge of outrages except the killing of Aronson?—A. No, sir; I do not know anything about any outrages being committed. Neither do I know anything about Mr. Aronson, only from hearsay.

By Mr. DARRALL:

Q. Do you know anything about what are called the regulators?—A. No, sir.

Q. Are there any bulldozers out in your neighborhood?—A. I do not know the term.

By Mr. GIBSON:

Q. You have no Ku-Klux in this parish?—A. None that I know of.

Q. Nor regulators?—A. I don't know. I have heard talk of regulators by our little parish papers here, but I don't know that I have ever asked a man about a regulator in all my life.

Q. Who owns the parish paper?—A. Mr. E. L. Weber, the senator from the twelfth district of Louisiana.

Q. How long has he been your senator?—A. Since 1872, I think.

Q. Was he elected at that time?—A. Yes, sir.

BAYOU SARA, LA., June 21, 1876.

CALVIN GOODMAN sworn and examined.

By Mr. GIBSON:

Question. What is your occupation and business, and where do you reside?—Answer. I live in this parish about two miles from here. At present I am farming; and surveying, when I get any business.

Q. Have you any knowledge of this alleged murder of Mr. Aronson, up near the Mississippi line?—A. Only what I heard the coroner testify to in your presence this morning.

Q. Were you up there at the time of the occurrence?—A. No, sir; I was sick.

Q. Were you up there just after the occurrence?—A. No, sir.

Q. You have no knowledge of it except from hearsay?—A. Just what I have heard.

Q. How long have you been a resident in this parish?—A. I came into this parish when I was about twelve or fourteen years old, I think, and during the war I was in California. I came back since the war and was elected on the republican ticket clerk of the court, and have resided here ever since 1868.

Q. You were not connected with these people during the war?—A. No, sir; I was in California.

Q. Is this a peaceable community? Are the people generally disposed to obey the law?—A. I was clerk of the court from 1868 for nearly five years, and I think the people were disposed to obey the laws. Of my own knowledge, in the court-room I believe people have been tried there for offenses and turned loose that in other communities would not have been allowed to come to the court-house at all.

Q. Are the relations between the colored race and the white people generally kind and neighborly in this parish?—A. So far as I know they are generally kindly disposed toward the colored people; especially those who are raised here are more kind to them than those who come from abroad. I believe they will do more for them.

Q. Is there any prejudice here against a man if he is honorable and upright if he happens to be republican in politics?—A. I do not think there is if he is honest and upright in every other respect. I do not think his politics make any difference. I know I have lived here since 1868 and I have always got along with the people, and I believe I have as many friends here as anywhere.

BAYOU SARA, LA., *June 21, 1876.*

P. G. A. KAUFMANN sworn and examined.

By Mr. GIBSON:

Question. Do you occupy any public position in this parish?—Answer. I am sheriff of this parish.

Q. Have you any knowledge of an alleged murder of a man by the name of Aronson in the upper part of this parish near the Mississippi line?—A. Yes, sir.

Q. State what you know of your own personal knowledge in regard to the facts and circumstances of this alleged murder.—A. I heard of it. Of my own personal knowledge I do not know anything about it. I was not present, and was not out there after the murder was perpetrated. The first knowledge I had of it was from the coroner of this parish, Dr. McCrindell.

Q. You have no personal knowledge?—A. None whatever.

Q. Have you any personal knowledge of any other murder having taken place in this parish in the last twelve months?—A. I am sheriff, and of course I have been compelled to summon witnesses for the State and for the defense in the several cases of persons accused of murder.

Q. Have you any personal knowledge of any alleged murder or murders having taken place within the limits of this parish within the last twelve months?—A. Yes, sir.

Q. Please state what you know, and state the names of the persons alleged to have been killed.—A. I do not know exactly the names of the persons who were alleged to be killed, but I know the names of the parties who were indicted for it. In one case a man named Luke Morgan was indicted for murder; also Peter Griffin, James Robinson, and another, Griffin, whose given name I do not know; then another man by the name of Washington, who was sentenced and whom I sent to the penitentiary. Then there was a murder perpetrated by a man named Jack Russell, but none of the parties who did it were discovered.

Q. Was Morgan convicted of having killed anybody?—A. No; he was finally acquitted. Fountain Williams was the man who was killed in that case.

Q. Were these colored or white men?—A. Colored.

Q. Have you as sheriff had occasion to execute any writs of the courts here?—A. Yes, sir.

Q. Have you ever been resisted in the performance of that duty?—A. I never have been; one of my deputies was. I must say further that I have very seldom made the arrests myself. I have usually sent deputies. In two or three instances where the parties had fled the cases were sent to me by telegram from New Orleans and from other parts. They were dangerous characters, and I thought it my duty to go myself after them, but I did not find them.

Q. Do you occupy, or have you occupied while sheriff of this parish, any position under, or have you had any employment from, the United States marshal?—A. I have been lately appointed deputy United States marshal.

Q. When were you appointed United States deputy marshal?—A. Perhaps a little more than a month ago.

Q. What were the circumstances under which you were appointed deputy United States marshal?—A. None whatever. The commission was sent to me, and that is all I know about it.

Q. Did you apply for it?—A. I did not.

Q. Have you ever exercised any authority under that commission?—A. No, sir.

Q. Did you ever exercise any authority as United States marshal before you received the commission?—A. No, sir; I never did.

Q. Did you at one time call upon the United States officer in command of the troops here in writing, to which your name was signed as deputy United States marshal?—A. I did.

Q. Was that before or since you were appointed?—A. That was since I have held the appointment.

Q. What was the reason you called upon the United States officer as a deputy marshal?—A. I saw that there would be a great many people here, and I heard that there would be violence and perhaps bloodshed.

Q. Who gave you that information?—A. I do not know; various persons.

Q. Tell me the names of the persons?—A. I do not remember them, there were so many.

Q. Can you give the date when you received that information?—A. Yes, sir; I think it was the date of the democratic meeting.

Q. What democratic meeting?—A. The last one; I do not remember the date.

Q. Can you not recollect who it was that gave you this information?—A. I really cannot.

Q. Can you give me in substance what that information was?—A. Well, they said there would come a good many armed men in, and they were afraid, or something of the kind. The colored men requested me to do it, but I do not remember really who did it; there were four or five. If I strain my memory I may think of it, but I would not name the wrong one.

Q. Why did you call upon the United States officer?—A. I told him in my letter that I was apprised there might be some difficulty, and in case of necessity I might call upon him. That letter can be shown. Major Bascom must have the letter in his possession. I said I would not call upon him except in the utmost necessity.

Q. Do you mean to say that you called upon the United States military officer in command of troops?—A. I did not call upon him. I only told him that I might be compelled to call upon him.

Q. Had any citizens of this parish made any affidavit to the effect that they feared trouble?—A. No, sir; not in the shape of an affidavit.

Q. Had any complaint been made before you by any citizen?—A. Yes, sir.

Q. What was the nature of that complaint?—A. They said they were afraid. About a fortnight or three weeks previous there was another meeting here, and there were a great many armed men present.

Q. When did that meeting take place?—A. That was, I believe, on the 1st of May, if I am not mistaken.

Q. Did you see the armed men?—A. Yes, sir.

Q. Did you talk with them?—A. I did speak with some of them.

Q. Name some of them.—A. Some of them were strangers, and I told some of them to take away their weapons before they entered the court-room, and that day threats were used in my presence.

Q. Against you?—A. Not against me; against one of the members of the police-jury. I saw so many people, I did not like it.

Q. Who was president of the police-jury?—A. Mr. Gibbons.

Q. Did they make any threats against him?—A. No, sir.

Q. Was he present when those threats were made?—A. No, sir; they were made in the sheriff's office. They compelled one of the members forcibly to go back in the court-room. He told me he was sick, and would like to stay in the office.

Q. Were you acquainted with the members of the police-jury?—A. Yes, sir.

Q. Were they very intelligent men?—A. A few of them are right intelligent men.

Q. Name some of them who are intelligent.—A. I think the president is, and I think Mr. Hamilton is—at least he is an educated man, and so is Mr. Van Tromp.

Q. Was the president requested to resign?—A. No, sir.

Q. Was Mr. Hamilton requested to resign?—A. He was.

Q. You say he is an intelligent and educated man?—A. I believe he is educated. He writes a very good letter. He is justice of the peace. He sometimes makes mistakes, I believe. Mr. Leake can give you more information about that.

Q. Whom did you make your reports to as deputy marshal?—A. I have never made any report yet; I did not have any call for making reports. That letter to the commanding officer was written requesting him in case of emergency to assist me. I had tried organizing a *posse comitatus* and did not succeed.

Q. What did the United States commander say to your request?—A. The United States commander came to my house and had a very friendly conversation with me, and went to the meeting, and we took a mint-julep together.

Q. You then felt perfectly safe?—A. I was very safe, for my own part.

Q. Have you ever sent any telegraphic dispatches from this place with reference to the people of this place?—A. Yes, sir.

Q. Is it a part of your duty as United States marshal to send telegraphic dispatches to the newspapers?—A. No, sir; I did not send that as deputy marshal.

Q. Is it part of your duties as sheriff?—A. Yes, sir; when I am requested. When a demand is made on me I generally answer it.

Q. Who made the request for you to send these dispatches?—A. One time the United States marshal made the request.

Q. What is his name?—A. Packard. He requested me to send a dispatch in regard to the kidnaping of a United States deputy marshal, which happened here on the 25th of December.

Q. What was his name?—A. Young, I think.

Q. Were you present when he was kidnaped?—A. No, sir.

Q. Do you know the people who kidnaped him?—A. No, sir; I can only give the names of the parties who informed me. He was kidnaped at the Henrietta Hotel.

Q. Did you ever send a telegram from this town to the effect that the streets were running with blood?—A. I did.

Q. What day was that when the streets were running with blood?—A. I think that was on the 27th of December when I sent that dispatch.

Q. What streets were running with blood?—A. They did not exactly run with blood. I admit that that expression was not correct; that I might have used better language. But there was bloodshed here.

Q. Have you any knowledge, during your term of office, of any man in the parish who has resisted legal process from your office?—A. Yes, sir; I have knowledge of one instance.

Q. Was it while the process was in your own hands?—A. No, sir; I went and attempted to make the arrest, but the persons had fled.

Q. Have you ever called upon the citizens of this parish to act as a posse?—A. Yes, sir.

Q. When?—A. I remember the first time that the regulators came here, and in the morning some negroes came to me, and told me that they were beating and shooting them and many others. I called upon Mr. Fisher, who is present, and Mr. Irvine, who was the only man who engaged to go with me, and just as I stepped into the buggy this man that I wanted to arrest met me.

Q. Who were these regulators?—A. There are so many of them I really do not know the names of all of them.

Q. Do you know one of them?—A. I know Colonel Towers.

Q. Who is he?—A. I believe he is the tax-collector of East Feliciana.

Q. By whom was he appointed tax-collector?—A. By Governor Kellogg.

Q. Do you say that he was a regulator?—A. I do not know whether he was or not. One of them came right to me, and I can prove it by witnesses right in this town, and he said to me, "We came from East Feliciana to offer you our services to regulate this parish." That was his own expression. That was Robert McClellan, I believe. I answered him that I had not sent for him, and I did not want him, and the quicker he would leave here the better he would oblige me; that if anything was done in this parish, I could do it, with the assistance of the citizens who lived here.

Q. You do not know of any regulators in this parish now?—A. They call everybody regulators. I do not know anything about regulators. I regulate the law when I have a legal process in my hand.

Q. It would fall to your duty more properly than to any other man to regulate the parish?—A. I do not do that. I think you accuse me wrongfully.

Q. I say your business as sheriff of the parish would require you in the exercise of the duties of your office to regulate the parish perhaps more than any other man in it?—A. As far as I have writs in my hand.

Q. Have you any knowledge of any such organization as regulators in your own parish here?—A. I do not know. I do not take the trouble to inquire anything about it.

Q. Can you name any one person who, of your own knowledge, you can swear belongs to such an organization?—A. I cannot.

Q. We have had statements from the district attorney, and from the information we get from him I have come to the conclusion that you have rather a quiet parish?—A. It may be. It is not always quiet; sometimes it is rather not quiet.

Q. Do you not think sometimes that the citizens are inclined to joke you a little by giving you exaggerated accounts and rumors of disturbances?—A. No, sir; because I sift these accounts through and through. Even in sending dispatches I do not send them until I get three or four reports.

Q. You had not seen the blood running on the streets at the time you speak of?—A. Yes, sir; I saw it running in the street. The man who was shot ran across the street, and he was bleeding. I saw blood running in the court-yard.

Q. Whose blood was it running in the streets?—A. A negro's.

Q. Who had shed this blood?—A. I do not know.

Q. Was he badly wounded?—A. He had a wound which was dressed, I believe, by Dr. Ball.

Q. Did he die?—A. No, sir.

Q. Was that what you meant by the streets running with blood?—A. He was bleeding.

Q. He was bleeding in the street; that is what you meant?—A. He showed me the blood; that is what I mean. I repeat, that I have admitted that this expression was not properly used. I have said that to the committee, and I am willing to say it again.

Q. The next time that any blood was shed was in the court-house yard. Whose blood was that?—A. I forget the names. There were two men, and they told me what had happened. I told them I had nothing to do with it, until they would go and make an affidavit and get out a writ of arrest and then I would go after the parties. One of them went after the justice of the peace, and returned and said he could not find him. Sometimes the justice of the peace cannot be found here.

Q. Was that man mortally wounded?—A. No, sir.

Q. Did he die of his wounds?—A. No, sir. If I was to take the trouble to inquire about all the particulars of these cases I would never rest or sleep.

By Mr. DARRALL:

Q. When I arrived here to-day I consulted you about some witnesses whom I wanted to examine, yourself among the number. Have you made an effort, or has the sergeant-at-arms through you made an effort, to summon those witnesses?—A. I myself summoned two of them. One of them told me he would come, but he has not appeared, and the other one did not seem inclined to come. I sent a deputy to summon the balance of them, and he told me that they said they were not properly summoned, and they would not come unless properly subpoenaed.

Q. Have you made return of those facts to the sergeant-at-arms?—A. Yes, sir; I made return because I appeared myself.

Q. Was this letter you directed to the commanding officer of the troops a requisition for troops?—A. No, sir.

Q. Could it be so construed?—A. I only told him to keep his men together in case of emergency, but that I would not call upon him except in case of the utmost necessity.

Q. Did you call upon him for troops?—A. No, sir.

Q. You found no necessity for it?—A. No, sir.

Q. Was everything perfectly quiet that day?—A. Yes, sir. I think the commanding officer himself went to the meeting. I passed there repeatedly and I did not see the least excitement.

Q. In regard to this disturbance, when you telegraphed that the streets were running with blood was there more than one man shot that you know of?—A. I do not know whether he was shot. When I came everything was quiet and the men had disappeared. I was requested by a man to arrest these men. Mr. Percy told me to arrest them. When parties show me that they are committing any crime, the law authorizes me to arrest them at once.

Q. Have you been requested to resign since you have been sheriff?—A. Yes, sir.

Q. More than once?—A. Repeatedly.

Q. For what cause?—A. I do not know. Some of them say I am crotchety, and some say one thing and some another. It don't please some that I am sheriff and they say they want me to make room for my betters. There are many reasons. I think that I do not understand as well as I ought. I have not sufficient education.

Q. You have not resigned yet?—A. No, sir; and I will not resign without being ousted.

Q. Have you ever made a call for a posse more than once?—A. I remember twice besides that time. One was in the evening; there was a false report that some persons were threatened with violence, and I made an effort to get a posse. I found a few men who were willing to go, and afterward we found out that it was a hoax and there was nothing of it.

Q. How long have you lived in this parish?—A. Since the 15th day of May, 1867.

Q. Have you ever held any official position except that of sheriff?—A. I was coroner. I am a practicing physician by nature and education.

Q. What is your explanation of the fact that in this community, where there are so many regulators and democratic gentlemen who are always willing to go, you cannot get a posse to assist in making arrests and enforcing the law?—A. I do not know.

Q. Can you account for it?—A. I do not see any necessity to run after fires when they are over, and many of these things are perpetrated in the dark hours of the night. And I declare again, as I have declared before the outrage committee, that it is perfectly useless to call upon me to certify to facts, because it is hearsay.

Q. How about this police-jury; were they compelled to resign or not?—A. They were invited in a friendly way, with the assistance of a few men, to resign. Some had pistols hanging out of their pockets—I call them tooth-picks.

Q. How many men?—A. All together there may have been sixty or seventy, more or less.

Q. Do you know the men?—A. I think many had those things sticking out, and I took a view of them. I did see them.

By Mr. GIBSON :

Q. Who presented this petition to you to resign?—A. It was right on the 26th of January at the public meeting.

Q. Who presented it to you?—A. It was not presented to me. It was only a resolution which one of my friends—I believe Dr. Stirling presented it and made the motion. Nobody seconded it. When it was read there was silence.

Q. You were present?—A. I was present.

Q. Were those gentlemen armed at that meeting?—A. I did not pay any attention.

Q. Did you observe that they were armed?—A. I did not see any arms. At other meetings I saw so many hanging out that I could not help seeing them.

Q. Whom did you see at the other meetings bearing arms?—A. I do not recollect.

Q. Can you not recollect the names of anybody?—A. I would not like to criminate myself. It forces my memory, and I would not like to do it. I saw some boys there who had arms. Some of them were boys, or young men.

Q. Can you name any one present who was bearing arms at that meeting?—A. I would like for you to excuse me. I live in this community, and I would not be hard on my fellow-citizens.

Q. You have already criminated the whole community.—A. I have only told the truth.

Q. Tell the truth now.—A. I cannot, really.

Q. I want to test your memory. Perhaps you are mistaken.—A. I am not mistaken.

Q. Name some one person who was armed at that meeting.—A. I could not give the name.

Q. State the name of some one person. You are acquainted here.—A. I do not believe that I know fifty persons by name here, and I don't believe that I know fifty colored or seventy-five white persons outside of these two towns, (Bayou Sara and Saint Francisville.) I lived in Point Coupee twenty-two years, and never knew one hundred negroes by their names.

Q. Who are your bondsmen?—A. I gave bond twice. I was appointed first, and the senate confirmed me, and I gave a second bond by the advice of my then legal adviser, W. W. Leake, esq. I think Dr. Wade is on my bond, and Mr. Forrester, who died lately, and old man Collins, and Mr. Rittig, and I think Matt. Riley.

BAYOU SARA, LA., *June 21, 1876.*

A. J. REYNOLDS sworn and examined.

By Mr. GIBSON :

Question. Where do you reside?—Answer. In Saint Francisville.

Q. Do you hold any office?—A. I am recorder of the parish.

Q. Have you any knowledge of the alleged murder of Max Aronson?—A. I have heard rumors of it in town.

Q. You were not present at the time?—A. No, sir; but I heard that the man was killed.

Q. You have no personal knowledge of the facts or circumstances?—A. No, sir.

BAYOU SARA, LA., *June 21, 1876.*

J. W. DEDDRICK sworn and examined.

By Mr. GIBSON :

Question. What is your occupation?—Answer. I am a planter and retired physician.

Q. Have you any knowledge of the alleged murder of Max Aronson in the upper end of the parish?—A. Nothing except hearsay. I live about eighteen miles from where it occurred.

Q. State what is the disposition of the people here with regard to their civil duties and their duties as citizens and neighbors.—A. I believe, so far as neighbors are concerned, they have been in amity and concord. The great trouble of this country has been thieving. That has been the cause of the trouble. The first was cotton-stealing, which gave rise to the reaction in 1875. Cattle-stealing has been a chronic nuisance all over the State, I suppose, but peculiarly so here, and it could not be otherwise, considering the population.

Q. Do you know of any disposition on the part of the white people to intimidate the negroes or to deprive them of their property or their political rights?—A. Not in the least; on the contrary, I have found that they are well protected as far as the disposition of the inhabitants is concerned. There is need of employment, and they find ready employment even if their character is bad. That is one difficulty we have in getting rid of rogues.

Q. What is the disposition of the people with regard to persons coming from the North to live among them?—A. I have seen nothing to indicate that they are not well received. I am from New York myself, and I have nothing to complain of. During the period of 1861 I was denounced as a Union man, but have never been molested.

Q. Have you ever been ostracized?—A. Not at all; I have never found any northern men ostracized who deserved to be received in decent society.

Q. Is there much complaint about the high taxes or useless expenditure of public money?—A. Yes, sir; there has been much complaint of corrupt expenditure and high taxes. It gave rise in the fall of 1875 to an association called "The Property-holders' Protective Union," organized for the purpose of resisting excessive taxes and to try to improve the police-jury. That Property-holders' Association appointed an executive committee, who made a report and called a mass-meeting on the 26th of January, and appointed a committee to wait upon the governor and request him to fill the places of police-jurors who had resigned and had been indicted for malfeasance in office by the grand-jury. They are all under indictment now. In order to supply their places there was a committee of four appointed, of which I was one, to await upon Governor Kellogg to recommend persons in whom people had confidence, and lay the state of the affairs of the parish before him.

Q. What was the result of that?—A. The result was that Kellogg, although he condemned the incompetency and corruption of the officers of this parish, said it was impossible for him to remedy it, because any appointment which would be made would be defeated in the senate by the influence of Senator Weber; that he had told Senator Weber himself that he was the cause of all the disturbances in this parish by recommending for appointment to office persons who were incompetent and corrupt. The other members of the committee were Mr. Butler, Dr. William Ball, and Burress McGee. The committee returned and reported what the governor had said—not that they were deceived, because I must say that we had very little confidence in him from his previous action; but they reported in substance what he had said. We waited patiently for the adjournment of the legislature so that he could fill the two vacancies with proper men as he promised. It was not done. After a long solicitation he appointed one police-juror, Dr. Ball, who had been a member of the executive committee and who had been appointed before, but had refused confirmation in the senate. Dr. Ball was an old resident of the parish, and with whom the people would have been satisfied. There was no attention paid to it. The police-jury met. Dr. Ball proposed to take his seat. The police-jury refused him his seat. Sheriff Kaufmann, I think, made the objection.

Q. Was he a member of the police-jury?—A. Not at all; but he seemed to be in attendance. He said he had some claims—some private affairs of his own which he wanted acted upon. The property-owners were invited by that police-jury—

Q. Was it that association which petitioned certain members of the police-jury to resign?—A. Yes, sir.

Q. Tell us about that.—A. After Dr. Ball, who had been recommended for the nomination to fill one vacancy, was refused his seat, the next monthly meeting was the first Monday in the month. The members of the "Property-holders' Protective Union" offered a petition that Dr. Ball should take his seat. When they made this petition they petitioned at the same time that these parties who were occupying a seat and who were incompetent should resign. It fell to the lot of a gentleman present here, and myself, I think, to present that petition and set forth the reasons why they ought to resign. I did so in a few words, and informed them that they were incompetent, which was acknowledged by themselves. One of the jurors was W. S. D. Hamilton. He assigned as a reason for resigning that he did not wish to hold office if it was contrary to the wishes of the people. That was satisfactory enough, I think, as to the large majority. Four-fifths of the persons who vote and pay taxes did not want him to hold office. Mr. VanTromp said he did not pay any taxes and he did not think any person ought to be on the police-jury, which voted to expend money in parish affairs, who was not a tax-payer, and therefore he resigned. Julius Green said he had offered to resign two or three times. He had offered to resign once or twice to my knowledge, and he said they would not accept his resignation. He said he was incompetent and knew it, and did not want the place. The only other person was Robert Hewlit. He resigned without assigning any reason. There were no threats, but they were requested to resign for a reason, and there could be no better reason assigned.

Q. What was that reason?—A. They were incompetent.

Q. How incompetent?—A. Through ignorance.

Q. Were you armed on that occasion?—A. No, sir.

Q. Were any of the gentlemen who accompanied you armed?—A. Some persons may

have had side-arms. I presume they did. Very few persons come in town or travel through the country without carrying pistols. It is a custom, as far as that is concerned, to wear arms.

Q. Did you see anybody wearing Bowie-knives on that occasion?—A. No, sir; there was nothing said except what was spoken by Captain Barrow and myself.

Q. Was this interview hostile?—A. Not at all. I think they yielded to the expressed sense of the best part of the community. I think the citizens assigned the veritable cause for wishing their resignations, and I think when Mr. Van Tromp, who has been summoned, comes upon the stand he will testify that he gave as a reason for resigning that he did not own any property, and he did not think a person ought to be on the jury who was not a tax-payer.

Q. Are you acquainted with Dr. Kaufmann?—A. Certainly; he is a personal friend of mine.

Q. Are you on his bond?—A. Yes, sir.

Q. He spoke of an occasion in which he had asked for a posse and it turned out to be a hoax. Is he a man who would be likely to be hoaxed?—A. I think he is extremely liable. I think he is apt to rush to conclusions and fire wide of the mark. I have cautioned the gentleman about it often, and after sending his dispatch I have cautioned him. He said he was in error and excited, and attributed it to his infirmity of temper.

Q. Have you ever known of any purpose among the citizens here to intimidate or to attempt to intimidate him?—A. Not a particle. On the contrary he is viewed with pity on account of his age, infirmity, and dependent position. His bondholders are not satisfied. He has not that description of qualities that are requisite for his office. That is acknowledged by all his personal friends who are on his bonds, and they would be very glad if they could be placed in a different situation. Otherwise I do not think there is any ill-feeling against the old gentleman.

By Mr. DARRELL:

Q. You stated you were a northern man?—A. Yes, sir.

Q. And you have never been ostracized?—A. Not a particle.

Q. How long have you been from the North?—A. I have lived in this parish since 1860, and have been in the South about thirty years, I suppose.

Q. You came down before the days of carpet-baggers and scalawags?—A. Yes, sir. I think I should be ostracized if I behaved like some persons do in that way, and I do think that self-respect will never permit me to do that. I should certainly not go around and try to produce antagonism between two races who must live together, nor attempt to run up the taxes, as was attempted to be done in 1875 to 5½ per cent., I think. That was the time, I think, that the property-holders began to combine.

Q. You say that you are not one of those persons who would try to incite ill-feeling between the races. Do you mean to say that you ever heard any republican make a speech inciting the colored people of any portion of the country to any ill-feeling toward the whites?—A. I have never attended one of their meetings, but I have found from the negroes on my own place, who are on good terms with me because they are more or less dependent on me, that that is what they said at those meetings.

Q. You never heard anything of the kind said yourself?—A. I never attended any of the meetings, and I could not possibly unless I joined a club.

Q. Why do you consider Dr. Kaufmann an inefficient sheriff; on account of his age?—A. I think not; it is lack of judgment.

Q. Is there any lack of personal courage?—A. I do not think there is. He has a peculiar temperament, and is easily imposed upon. I have no doubt that these notices to him were gotten up for the purpose of amusing the originators at the old man's expense.

Q. Did you make any improvement in your police-jury by the resignation of these members?—A. The parish has been saved considerable expense by having none at all for a month or two.

Q. You think you are better off without any?—A. Certainly. The police-jury met two or three times a month just to draw their *per diem*.

Q. Have any of your laborers left the parish during the last six months?—A. No, sir; not in the neighborhood here, that I have heard of. I live on the lower Jackson road, east of town.

Q. Do you anticipate or apprehend any danger from negro risings or negroes making any trouble or disturbance?—A. I do not think so, unless it is done for political effect. The great curse of the negroes is, not rising and combining, but it is theft, as you ought to know.

Q. You do not anticipate here in the parish any further disturbance on account of negroes rising or anything of the kind, but they will keep up their petty larceny here as well as elsewhere?—A. Certainly. There is very little remedy at law. Sometimes a disposition is shown to deal with it a little outside of the law; but strict justice is as likely to be accomplished as if it was the other way. It is deplorable that there

should be this necessity, but it is a necessity in frontier countries and countries of mixed population where laws are insufficiently executed. I do not blame the officers, no matter who they are.

Q. Do you not think if some of your democratic citizens were in office they could preserve the peace?—A. I think if there were a class of persons who could command the respect of the community they might. They could not stop petty larceny; I do not think that could be done under any system. It will have to be done as it is in other countries similarly situated. I have heard it stated that the colored and whites have combined together to watch and denounce thieves and run them off. I suppose that would be more effective than the courts of law, if it can be carried out. The great difficulty here is that the colored people are intimidated.

Q. By whom?—A. By rogues. They tell me that they are afraid to testify. If a man commits a theft they do not dare to come into court and swear that he has done it. The consequence is that in the thefts committed on my place I have had a colored man come and tell me who did it, but before he told he said he did not want to go into court and did not want it known that he told. I find from inquiry that most of them say they do not like to testify for fear they will be damaged. In fact it has arrived in this parish to this extent: that the rogues have more power of intimidating the honest and industrious than any protection that any organized government can afford them. It can only be by a combination of whites and blacks that they can bring the thieves to justice.

Q. Are these plunderers confined entirely to the colored people, do you think?—A. I suppose not; I have heard myself that there is one white man who by the way they tried to arrest, and who has absconded, who had stolen a cow from East Feliciana. He has departed for parts unknown, but as the colored population is largely in excess of the whites, the depredations are of course largely colored.

Q. Can you give us any information in regard to the burning of stores and gins last fall; the origin of those troubles?—A. That arose in the same way. There was no protection for cotton-planters, and their cotton was stolen. Just before the picking the cotton was stolen and disposed of at these small stores, thus defrauding the merchants and the planters out of their advances. This had been going on for a number of years. An effort had been made to pass a law to remedy this evil, but it was opposed on political grounds by Senator Weber, who said it was interfering with the rights of the colored men. That law was forbidding the sale of loose cotton between sunrise and sunset.

Q. Was that in the Legislature or police-jury?—A. The Legislature, I think. It was opposed by Senator Weber especially, however, on political grounds, as interfering with the rights of the colored population.

By Mr. GIBSON:

Q. What has been the rate of taxation in the parish—State parish, and levy taxes?—A. It is fourteen and a half mills for the State. Nineteen and a half was attempted to be levied.

Q. At the time that this property-holder's association was formed, what was it then?—A. It was then about fifty-five mills.

Q. How was the assessment made?—A. It was made in the usual way. I do not know what you refer to.

Q. Who were the assessors?—A. The assessor is elected. He receives 10 per cent. for collecting. The assessor is tax-collector, too. He is brother of E. L. Weber, the senator.

Q. Is the assessor paid a certain percentage of the amount levied?—A. Ten per cent. upon the amount assessed and collected.

Q. Ten per cent. upon the amount assessed and collected, or upon the amount assessed?—A. I think 10 per cent. on both.

(Mr. W. W. Leake, a former witness, being present, stated that it was 5 per cent. for assessing and 10 per cent. for collecting.)

Q. Do you know whether property was assessed at its market value or not?—A. I could not say. Each one gave in his own valuation, but sometimes they changed the assessment.

Q. From your knowledge, was the assessment high or low?—A. It struck me as being pretty high. I paid upon my place, I think, in 1860, \$45, State and parish tax, and I had then seven or eight negroes, and the land was certainly more valuable than now. One year I paid \$220, I think, for State and parish taxes.

Q. What provision is there in this parish for public schools and education?—A. They have some schools, but not much. It is really under the control of the school board, who are ignorant, and require more instruction than the pupils almost.

Q. Are the colored children of this parish being educated?—A. In town here they are, and in some few other places. They are very much scattered in the country, and it is difficult to provide schools for them.

Q. Is there adequate provision for the education of the white children of this parish?—A. There is no more than for the colored.

Q. I am speaking of public schools supported by taxation?—A. No; there is no other provision made for the whites than for the colored by taxation.

Q. Is adequate provision made for either?—A. I have not investigated the subject. I do not know. It is not likely to be, I think. If so, it has been grossly misapplied.

The following extract from a report of the subcommittee of the executive committee of the Property-holders' Protective Union of West Feliciana Parish was ordered put in evidence.

Police-Jury.

In regard to this body, the ignorance, incompetency, and total lack of character of the majority of its members are so notorious, that we forbear to make many comments in relation thereto.

The resolution of the 13th June, 1874, making their *per-diem* paper alone receivable for taxes, is an evidence that they consulted their own interest in preference to other creditors of the parish.

The resolution allowing D. A. Weber \$300 for a book which cost \$30, and extending roll, which was a duty he was bound to perform, showed a disposition to squander the revenues of the people without adequate return. Their large issues of scrip to their members, the guardians of the poor, the parish printer, A. J. Reynolds, clerk, &c., bear abundant evidence of the same fact. The resolution allowing D. A. Weber to draw his own warrants for whatever the parish might owe was giving a great latitude to an officer who did not scruple to charge \$300 for a book and acquiesce and urge a tax to be levied on the impoverished people of this parish to pay it; and, besides, is not a very good specimen of economical and wise legislation.

The resolution giving David Smith \$1,750 for building a bridge, and the issue of certificates of indebtedness to him for that amount, which upon the trial of the case enjoining same was shown to be worth less than \$300, bears ample testimony to a lavish expenditure of the public funds, which should alone condemn the police-jury.

We could cite other instances of the same kind. As a specimen of the legislation of the police-jury, which happily has been preserved to us and posterity by Senator E. L. Weber, in his paper, the Dunn Leader, the official organ of this parish, we transcribe from his paper of the 13th March, 1875, being an official report of the proceedings of meeting of the police-jury, March 5, 1875, the following:

"R. J. Hogan, the president of the police-jury, then wrote out and offered the following amendment to the police code:

"Be it Resolved by The Police Jury in Regular Session Convean That The Treasue from & after This Day shall Propotion The a mount of money Payed over to him By The Tax Corlected in Three Days from the Date it is Passed oVer To him and he must mak The exact Proportion Payed out—

"The money on the Proper Vouchous of The Person or Persons and That no person shall be aloud To Carlec no money on a nother Person Vouchous unlest authoryed By him To Do So Without Principal Person is dead or sick and cant get There him self and if Treasue shall Vi O late This act he shall be find in a Sun of not Lest The \$50.00 and no more Then \$20.00."

What President Hogan's object was in having it appear that he wrote out and offered said resolution, and Senator Weber's in publishing same as written, we cannot see, unless it was an advertisement of his eminent fitness as a legislator and a public teacher; for we see from the Dunn Leader, Senator Weber's paper, of date May 1, 1875, that R. J. Hogan was appointed teacher for the seventh ward on the Angola or Acklen plantations, where there are nearly two hundred voters and school children in proportion.

In conclusion, your committee would submit some general remarks on the character of the parish officials for the past few years, and the causes of the gross and criminal mismanagement of the affairs of the parish, and some suggestion for the correction of the prevailing abuses. E. L. Weber, State senator, has also been, during the term of his office as such, justice of the peace of the first ward, commissioner of insane asylum at Jackson, deputy tax-collector, and treasurer of school board, and has also a record on the criminal docket of the parish, he, together with George Swayze, ex-senator of twelfth district, having been charged and preliminarily examined with regard to the assassination of William D. Winter, and himself in case No. 145 having been indicted for assault and battery.

R. J. Hogan, besides having been police-juror for two terms, has been teacher of the public schools. Reuben Ogden has been inspector of weights and measures, who has repeatedly asserted that he paid the sum of \$10 to Senator E. L. Weber for his appointment as such; deputy sheriff, and while acting as such was indicted for murder; was also clerk of supervisor of registrations.

J. W. Armstead, (c.,) besides having been member of Legislature since 1873, has held the following offices: Deputy sheriff under R. J. Taylor, sheriff; councilman of the

town of Saint Francisville; auditor of the parish; president of the school board; guardian of the poor; deputy sheriff under Kaufman, sheriff; besides, has a record on the criminal docket of the district court in cases of *State vs. J. W. Armstead*; No. 213, assault and battery; No. 293, assault and battery; No. 294, assault with intent to kill.

Robert Hewlett, (c.,) now holds the following offices: Commissioner of insane asylum; mayor of Saint Francisville, and member of police-jury of same ward; is ignorant; can't hardly read or write; has seven hundred and sixty dollars' worth of property, acquired during the war; has been parish treasurer.

A. J. Reynolds is clerk of the police-jury and justice of the peace; owns no property, and pays no taxes.

D. A. Weber, present collector of taxes, is also *ex officio* collector of the towns of Saint Francisville and Bayou Sara; has been justice of the peace, and was councilman of the town of Saint Francisville; he also appeared on criminal docket as being charged, in case No. 147, with inflicting wound less than mayhem.

He owns no property and pays no taxes.

George Swayze, (colored,) at present constable of the town of Bayou Sara, was senator from this district; has also been commissioner of insane asylum at Jackson; constable of the town of Saint Francisville; deputy sheriff under Sheriff Kaufman.

Can only write his name.

Has a "court" record; was, with E. L. Weber, preliminarily examined on the charge of assassinating Mr. W. D. Winter, a prominent lawyer and citizen of the parish and State.

While senator, indictments were pending against him in State cases No. 233, assault and battery, and in 294, assault with intent to kill.

Is now under indictment in the parish of East Feliciana.

He was appointed, on the recommendation of Senator Weber and Representative Armstead, recorder of the parish; was unable to give bond; sold his influence with Senator Weber and Representative Armstead to Joshua T. Van Tromp, supervisor of registration, for his (J. T. V.'s) voucher as such, for the appointment of the office of recorder.

The books of Treasurer Stirling, kept by Senator Weber, show that the greater portion of this voucher was paid to J. T. Van Tromp per George Swayze.

Herewith is a copy of Van Tromp's statement:

"I was supervisor of registration, who, under the law, was to take the census for the parish of West Feliciana. Senator E. L. Weber came to me and asked me to give George Swayze my voucher, which I had received as compensation for services rendered as supervisor of registration, and amounting to \$340, and that he would advance to Swayze on said voucher the sum of \$100, cash, for Swayze to resign his appointment in favor of myself. The amount (\$340) was paid by me, and Weber advanced the \$100. I was afterward commissioned as recorder of this parish, gave the necessary bond within the time prescribed by law, and took charge of the office. Since taking possession of the office, another person (Jacob Meyer) has been commissioned for the same office, and from information received I believe Representative Armstead and Senator Weber obtained said commission for Meyer for a consideration.

"APRIL 27, 1875.

"JOSHUA VAN TROMP."

In regard to the first portion of the above statement, we have only to add that the treasurer's books show that Van Tromp had a claim registered for \$397. He received on this \$57 from Treasurer Hewlett, leaving the balance of \$340, which he says he gave to Swayze, and the books show that Swayze, in the name of Van Tromp, has drawn money on the same.

The statement of two gentlemen who appeared before us was to the effect that Swayze had stated to them that Van Tromp had given him his registration-voucher for the appointment of recorder.

Robert Taylor, a colored man, was member of the legislature in 1868; in 1872 was elected sheriff; while sheriff, with his deputies, Reuben Ogden and posse, killed young Robert Haile in his own house; is now a refugee from justice, being under indictment for burglary; is an ignorant man, and can barely read and write.

John S. Dula (colored) was recorder and justice of the peace; is now parish judge; totally illiterate; can scarcely read and write; is utterly ignorant, and, according to his own admissions, frequently made, is altogether unfit for office. He has acknowledged that the people and lawyers have showed him every indulgence, and has expressed his desire and intention to resign on the 1st of January next; is now absent from the parish, and has informed your committee as well as the public that the movement on foot to make him resign was at the instance of Senator Weber, for the benefit of J. P. Newsham, Weber's brother-in-law.

Dula was indicted for extortion in office as recorder.

Thomas W. Dalton, (colored,) uneducated, and can but indifferently read and write. While under indictment for murder of Robert Haile, jr., was nominated and elected

sheriff of this parish, through the influence of Senator Weber and Representative Armstead. Such was the character and standing of Dalton that he was unable to give bond within the thirty days after being commissioned. Senator Weber and Armstead caused him to be recommissioned as sheriff, and when he presented his bond for approval it was entirely insufficient and was also defective in many respects. Two of his bondsmen (colored men) have made affidavits of forgery as to the amount for which they obligated themselves on said bond, and Dalton is now under indictment for forgery.

Joseph R. Watson, (colored,) a man of fair education, but of very bad character; was the leader of a riot in this parish in September, 1874, for the purpose, among others, of burning and sacking the towns of Saint Francisville and Bayou Sara. While under indictment for this offense, as well as for cutting telegraph-lines and tearing up railroad-track, was appointed, through the influence of Senator Weber and Representative Armstead, supervisor of registration to take the census, which office he now holds.

W. L. Stirling, (colored,) the present treasurer, while under indictment for murder, was by the same influence appointed a member of the police-jury, and, the indictment still pending, was nominated and elected police-juror. He has since the appointment of your committee left the parish without paying his rent, leaving the office of treasurer vacant; owns no property.

Henry Temple, a colored man, is very ignorant, not knowing how to sign his name. While under a charge of riot, was nominated and elected police-juror. He was tried, convicted, and sentenced for riot, and, on recommendation of Weber and Armstead, pardoned by Governor Kellogg. Is now under indictment for misdemeanor as police-juror.

Other instances of ignorance, incompetency, corruption, and crime could be added, but we deem it unnecessary to extend it.

The whole report considered, the inference is easily and naturally drawn, that this parish, through the influence and machinations of bad and selfish, if not *criminal* men, has been governed and controlled almost altogether by ignorant, selfish, irresponsible, and infamous persons. And it does verily seem that those who were the least deserving and most objectionable, and who had the worst character and standing among their fellow-men, were chosen and appointed to administer its most important affairs.

To Senator E. L. Weber, ex-Senator Swayze, Representative Armstead, and their associates, we attribute all our troubles, grievances, and oppressions of the last few years. They exercised almost unlimited control over nearly all the officers, and particularly the police-jurors.

In 1873, as a specimen of their State legislation, they caused to be incorporated what they styled as the town of Saint Francisville, against the will and remonstrance of a large majority of the people residing within its limits. The purposes and objects of said incorporation were fully set forth and substantially established in a certain suit tried in our district court.

We take the following extracts therefrom and submit the remarks made thereon :

"That the act incorporating said town, as they have been advised and believe, was in violation of their vested and constitutional rights, in common with the other citizens of the ward, and in consequence thereof could not authorize such burdensome and iniquitous exactions from the citizens as those now complained of.

"That said act of incorporation was passed without the consent or approval of the citizens in said corporate limits, and in utter disregard and contempt of their opposition and remonstrance; and embraced in said town an unprecedented extent of territory, to which it can afford no protection, benefit, or advantage, and can make no return whatever for the taxes now sought to be collected.

"That said corporation has a front on the Mississippi River of thirteen miles; it has twelve miles of public road; it embraces twenty-five plantations or farms, 10,000 acres of swamp-land, in all about 25,000 superficial acres of land. That all said property is taxed and oppressed to keep up a useless and unnecessary show of authority in the town of Saint Francisville proper, which does not embrace more than 100 superficial acres of land, and to enable a few office-holders to peculate and plunder the scanty and already exhausted resources of an impoverished people, without any return to them whatever."

These facts were proven on the trial of a cause in which a tax sought to be collected was enjoined. The tax was levied under an ordinance in which occurs the following provision :

"Be it further ordained, that a penalty of 25 per cent. be, and is hereby, imposed on all those resisting this law, or on all tax-resisters, or on each member of a resisting association, who do not pay their taxes as required by this ordinance."

In passing upon this case the following passages occur in the written opinion of Judge Hewes :

"The evidence satisfies me that this tax-ordinance had no fixed or defined purposes; the idea seems to have been, that money was a good thing to have, and when got, the town officers had the right to dispose of it as they pleased. It is very certain that the intention was to

apply some portion of this tax to purposes foreign to any powers granted by the charter. But, be all this as it may, the manner in which this tax was sought to be enforced sustains this injunction. The provision in the ordinance against 'tax-resisters' is an arrogant assumption of power that should brand the whole ordinance with nullity."

It is notorious that the most numerous inhabitants of this magnificent city on paper, with its immense river-front and water privileges, are alligators, turtles, snakes, wild-fowl, and, it may be, an occasional deer or bear.

When the citizens sought in a legal manner to protect their property from this unjust taxation, they were met by taunts, abuse, and threats, published in the official organ managed by Senator Weber. The following are specimens:

"*Bravo, tax-resisters! * * * All nuisances must be removed from the corporate limits, and there cannot be a greater nuisance than tax-resisters.*"

"*A fizzle! What I know about laws! Ha! ha! How will you like the incorporation of the two towns? (Saint Francisville and Bayou Sara.) WILL MAKE YOU SWALLOW BOTH, THOUGH! Wait; we shall see!*"

The administration of the Webers, Armstead, Swayze, and their friends, while it has been to the greatest degree insulting, harassing, and oppressive to a too patient people, has not been without benefit and gain to themselves, and to Senator Weber in particular. From about the middle of 1873 until within a very few months ago he owned not one dollar's worth of property; he now owns a considerable town property, well improved, the Feliciana Ledger newspaper, and fully 3,000 acres of land.

J. P. Newsham, ex-member of convention of 1868, ex-member of Congress by non-election, ex-parish judge by appointment, ex-district attorney *pro tempore*, also by appointment, brother-in-law of the Webers, came to this parish in 1866 or 1867, without property or means of support; is now owner of property for which he paid several thousand dollars; at one time exercised a great influence, and more than one time, without cause, has filled the towns of Saint Francisville and Bayou Sara with armed negroes, and was not the hindmost of them in heaping up insults on the white citizens of the two towns.

While district attorney *pro tempore*, one of his first acts was to have his salary raised from \$500 to \$1,500 per annum.

When obliged to vacate his office in obedience to a decree of the supreme court, he solicited, and was promptly allowed, \$400, on a basis of \$1,500 per annum, by a liberal police-jury.

D. A. Weber, brother to the senator, State and parish collector, and *ex-officio* collector of two towns, has likewise been a beneficiary, through his influence, of our police-jury. He was donated \$300 by them for parish printing, when he was under contract with the previous body to do the work for nothing.

In a like spirit of benevolence they gave him \$300 for a bound book costing \$30.

To Senator Weber they gave several hundred dollars, upon no other evidence except his word that the same amount in parish scrip was destroyed when his store was burned.

Had Senator Weber's family been more numerous, it would have vied in the number of office-holders with the Dinggrave, Boulton, and Green families, concerning whom the recent congressional committee have taken notice.

Before concluding, we would say that our investigation and history of the several officers have not been as full and thorough as we could have desired. It was our intention to have looked somewhat into the affairs of the school-board, its management, history of the members of the school-board, and the qualifications of a majority of the teachers.

We trust, however, that we have collected enough facts of maladministration, corruption, and criminal mismanagement as to warrant the calling of a mass-meeting of the property-holders of this parish, without regard to color, to take into consideration the affairs of the whole people; and that, after deliberation, they may take such action as may be deemed advisable.

As before remarked, we had intended to make some suggestions as to what we deemed best to be done, but we think the people in mass-meeting assembled should take up this matter, and should act on whatever propositions should be submitted by a committee especially appointed for that purpose.

We can but assert that we have been governed since 1872 by "criminals;" that Senator Weber, Representative Armstead, ex-Senator Swayze, and a few others, have been the prime cause of all our woes. E. L. Weber, in particular, stands out in bold relief as the most bitter foe to our people and their interests; nor have we any right to expect any reformation of his conduct toward a people whom he and Armstead have so shamefully misrepresented in the legislature of the State.

Respectfully submitted.

I. W. DEDERICK,
WM. C. CONNELL,
CHAS. L. FISHER,
THOS. BUTLER,

*Sub-Committee of the Executive Committee
of the Property-holders' Protective Union of West Feliciana.*

BAYOU SARA, LA., June 21, 1876.

ROBERT HEWLIT, colored, sworn and examined.

By Mr. GIBSON :

Question. Do you reside in this parish?—Answer. Yes, sir.

Q. How long have you resided here?—A. I have been in this parish about thirty-six or thirty-eight years.

Q. Did you ever occupy any public office in this parish?—A. Yes, sir; I have held two or three little petty offices here.

Q. Please state what they were.—A. I had the appointment of mayor of Saint Francisville at one time.

Q. That is the adjoining village?—A. Yes, sir; about a mile from here.

Q. What other offices have you held?—A. I held an appointment on the insane asylum board at Jackson, in East Feliciana.

Q. On the board of visitors or administrators?—A. Yes, sir.

Q. What other offices have you held?—A. I held the appointment as police-juror.

Q. Any other office?—A. Yes, sir; I was parish treasurer.

Q. Were you not occupying some other office on the school-board?—A. Yes, sir; I was elected president of the school-board.

Q. Can you write?—A. I can sign my name.

Q. Can you write the Declaration of Independence if I dictate it to you?—A. No, sir; I do not think I can.

Q. Can you write anything?—A. I am no scholar in writing at all.

Q. Can you read writing?—A. Some, not much; any hand that I am used to I can read.

Q. (Handing paper to witness.) Be kind enough to read this letter written by the sheriff.—A. There is not hardly five men in the parish can read that. I could not pretend to read that. I have seen his hand puzzle good scholars.

Q. Take it and try to read it.—A. It is no use for me to come before this committee and try to make out anything at all. In fact, if I could read it, I cannot see very well anyhow.

Q. You cannot read writing, can you?—A. I cannot read everybody's writing. I can read some little.

Q. Here is a resolution of the House of Representatives of the United States; see if you can read that.—A. I cannot hardly see that at this time of day, much less read it. I cannot read printing now.

Q. Stand here by the west window and read it?

(The witness took the paper to the west window and examined it.)

Q. If you can read it say so; and if you cannot, say so.—A. Yes, sir, I can make that out; it says Forty-fourth Congress, I think, if I read right.

Q. Please try to read further?—A. I cannot make out anything further; I can make out that much of it, but I cannot see the balance; it is just about big enough for me to see what I have said; I did not calculate to be put to any test in reading when I came here; that is something I do not brag on at all.

Q. You cannot read this resolution?—A. No, sir, I cannot read that all the way through at all.

Q. Here is a copy of a newspaper; I would like to have you read that.

[The witness took the paper to the window.]

A. This says New York Herald, Saturday, June 17, 1876.

Q. Read this article in the second column or any one of the columns you can read.—A. I cannot see it; I cannot see to read a bit; if I had come here an hour ago I could have read that paper pretty well; I can read any American paper that I get hold of.

Q. But you cannot read it now?—A. No, sir, I cannot see it now; these letters is all quivering and jammed up.

Q. How old are you?—A. I will be sixty-seven, if I live, about the 10th day of this coming November.

Q. Were you requested to resign your position on the police-jury?—A. I was.

Q. When was that?—A. I forget whether it was the first Monday in April or not.

Q. Who presented the petition to you to resign?—A. There was two or three requests presented to four of us.

Q. I am speaking about yourself?—A. My name was called by Dr. Deddrick.

Q. Did you resign?—A. I did, as quick as I could get down in the recorder's office; and have the article wrote off, I signed it.

Q. Had you ever offered your resignation before?—A. No, sir.

Q. Why did you offer your resignation then?—A. I did not offer it; it was requested.

Q. How came you to sign your resignation?—A. Well, sir, I believe, if I am a judge of anything, I had a very good reason then to resign because things looked rather bilious round about me at that time. If I must come to the fact of it it looked very bilious.

Q. We want the truth.—A. I won't tell you anything but the truth as far as I can recollect it.

Q. Did you say at that time that you did not think you were fully competent for the discharge of the duties of that office?—A. No, sir; I did not make any such an assertion as that. I did not say a word that would imply anything of the kind.

Q. Do you think that you were capable of discharging the duties of police-juror?—A. No, sir; I was not competent to do any of the writing part. I did not pretend to do that.

Q. What did you do while you were police-juror?—A. I was a member.

Q. Did you ever offer any bills to make laws for the parish?—A. No, sir.

Q. Did you ever propose any measures for the local government of the parish?—A. No, sir; I don't believe I did any such thing as that.

Q. Did you ever read over any of the bills or measures proposed by any other members of the police-jury for the benefit of the parish?—A. Nothing, unless it was after the act passed by the police-jury and was printed. When it was made a law it was published in print.

Q. Did you ever make a law while you were a member of the police-jury?—A. No, sir, I did not make any laws.

Q. Did you ever draw your pay while you were a member of the police-jury?—A. Yes, sir; I got my certificate.

By Mr. DARRALL:

Q. Do you own any property in this parish?—A. Yes, sir.

Q. Do you pay taxes?—A. Yes, sir.

Q. Do you vote?—A. Yes, sir.

Q. Do you hold office?—A. Yes, sir.

Q. Why did you resign your position on the police-jury?—A. I was requested to do so.

Q. Do you do whatever anybody requests you to do?—A. Not at all.

Q. You did at this time?—A. Yes, sir.

Q. Why did you accede to the request to resign? You say because things looked bilious. Be a little more explicit, please.—A. Well, now, there was a meeting there that Monday, and it was called for the purpose of calling the members from each ward in our parish to appoint overseers of the roads.

Q. Just tell us why you resigned. Did you resign of your own free will or were you compelled to?—A. I done it because I was afraid to hold the office any longer.

Q. Why were you afraid? Were you afraid somebody would hurt you?—A. Yes, sir; I was afraid of personal violence.

Q. From whom?—A. From the parties that requested me to resign.

Q. Did they use any threats toward you?—A. No, sir.

Q. Did they have any arms?—A. Yes, sir; there were arms there, plenty of them.

Q. What kind of arms?—A. There was pistols. I saw the ends of two or three my self.

By Mr. GIBSON:

Q. Were they pointed at you?—A. No, sir. O, no; they were not pointed at all.

Q. Dr. Deddrick presented this request to you. Was he armed?—A. I did not see any arms on him. He merely had a little cane in his hand, a little riding-cane; that is all I noticed he had.

Q. A riding-switch?—A. Yes, sir.

Q. Did he offer you any violence?—A. No, sir.

Q. Did he make any threats?—A. No, sir.

Q. Did anybody offer you any violence?—A. No, sir.

By Mr. DARRALL:

Q. How many members resigned at the time you did?—A. Four; their names was called for and they resigned at the same time.

Q. Were there many outsiders about the court-house at that time?—A. Yes, sir; a good many men.

Q. How many do you suppose?—A. Well, there was more men there that day than there is here now.

Q. You all thought it would be a little safer for you to resign?—A. Yes, sir.

Q. You do not read writing very well, I notice?—A. No, sir.

Q. You do not read print very well?—A. I can't see to read print very well at this time of day.

Q. I do not think you can when you can see.—A. I could convince you that I can read when I can see.

Q. Do you consider yourself a very well-educated man?—A. No, sir; I never did. I never went to school a day in my life.

Q. Is it any crime in this country if a man has not a good education?—A. No, sir.

Q. Why are you not educated like some of your white friends? Did you ever have an opportunity to become educated?—A. No, sir.

Q. You own property and pay taxes?—A. Yes, sir.

Q. Were you elected as a member of the police-jury by the people?—A. No, sir; I was appointed by the governor.

Q. Did you not run on the ticket?—A. No, sir.

Q. Were you appointed to fill a vacancy?—A. Yes, sir.

Q. Did you ever in your official capacity, as member of the police-jury, do anything to the detriment of the interests of the tax-payers in this parish?—A. I did not; I was very particular about that.

Q. You pay taxes yourself?—A. Yes, sir.

Q. Were you notified some time early in the day by the deputy sheriff to come here and testify?—A. No, sir.

Q. When did you receive notice first?—A. I received notice this afternoon since dinner-time; I don't know what time it was exactly; about 3 or 4 o'clock, I reckon.

Q. Did you express your willingness to him to come here and testify?—A. I did not say anything to him.

Q. You were willing to come?—A. I was willing to come, provided I had been sent for in a proper manner.

Q. You have no hesitation in testifying before this committee, have you?—A. O no, sir.

Q. You do not think things look bilious here?—A. No, sir; I don't think there is any danger here. I think the most of these gentlemen present knows me very well. I have known some of them when they were little school-boys.

Q. At the time it looked bilious to you at the court-house when you resigned, were the gentlemen you saw about there strangers, or did you know them?—A. I did not know hardly any of them. They were principally young men from the country, and I did not know them at all.

Q. They were not residents of town?—A. No, sir.

By Mr. GIBSON:

Q. Were there any other persons on the police-jury who could not read and write, and who gave as a reason for resigning when this request was presented in your presence that they were incompetent, and had offered to resign before and wanted to resign?—A. There was one member there that said he had resigned, or had sent in his resignation. He was saying something to the gentleman that requested him to resign. They had considerable argument while business was going on, but I did not pay any particular attention to it.

Q. But you heard him say that he had offered to resign before?—A. I heard him say that he had resigned before, and I heard him say that it had not made any difference.

Q. His resignation had not made any difference?—A. It had not been accepted.

APPENDIX.

Correspondence between the chairman of the committee and the Attorney-General in relation to granting immunity to certain witnesses.

WASHINGTON, D. C., May 19, 1876.

SIR: I am instructed by the committee on the investigation of the conduct of certain Federal offices in New Orleans, to represent that Mr. Edgar Selye, now an employé of the custom-house in New York and for several years a special agent of the Post-Office Department in Louisiana and a deputy United States marshal in that State, has appeared before the committee, as a witness, and has declined to answer certain interrogatories with regard to fraudulent pay-rolls of the New Orleans custom-house, the robbery of the United States mails, and the cutting of the telegraph-wires, upon the ground that his answers would tend to his own crimination; as it would furnish data, the names of witnesses, and point to particular facts and circumstances that might lead to his own conviction, even though technically his own testimony might not be used against him. It is therefore suggested that the immunity under the statute of 1862 is not sufficient to cover his case. I am further instructed to say that the evidence sought is of material value, and that it appears to be in the possession of no one else other than the persons implicated in the alleged crimes and offenses. So that should the committee fail to obtain the evidence from this witness, the attempt to obtain it at all must be abandoned.

Moreover, Mr. Selye has declared under oath that he had been offered bribes not to appear as a witness, and that he has also been threatened with prosecutions in the event that he should do so.

The committee is satisfied that the ends of public justice will be promoted by enabling the committee to bestow immunity upon the witness if at the conclusion of his testimony it shall appear to them that he is entitled to the same.

Trusting that these considerations may commend themselves to your judgment as they have to that of the committee, I have the honor to request that, as in recent similar cases, you will grant the immunity asked for in behalf of this witness.

Yours, respectfully,

R. L. GIBSON,
Chairman.

Hon. EDWARDS PIERREPONT,
Attorney-General.

DEPARTMENT OF JUSTICE,
Washington, May 23, 1876.

SIR: Your request in relation to indemnity to Mr. Seley was before the President and Cabinet to-day. The President had been notified that several members of your committee are not in favor of the indemnity. It is not deemed best to grant it.

Yours, respectfully,

EDWARDS PIERREPONT,
Attorney-General.

Hon. R. L. GIBSON,
Chairman, &c., &c., House of Representatives.

Letter from J. H. Oglesby, of New Orleans, in relation to whisky irregularities and fraudulent pay-rolls.

THE LOUISIANA NATIONAL BANK OF NEW ORLEANS,
UNITED STATES DEPOSITORY AND FINANCIAL AGENT,
New Orleans, June 23, 1876.

SIR: In 1867 and 1868 I was a member of the commercial firm of J. H. Oglesby & Co., of this city. We received large consignments of whisky from Cincinnati to sell on commission. Most of it came in bond. When landed from steamers, it was put

into a bonded warehouse, we giving bonds on same, each lot separately; as lots were sold the bond given was canceled. In May, 1868, we sold the last shipment—a lot of one hundred barrels. It was sold in bond and transferred in bond. I have before me now a letter-press copy of the order to transfer; it is directed to collector of internal revenue, and reads, "Transfer in bond to A. S. White, one hundred barrels whisky,

marked $\triangle^9$ **B**, stored in bonded warehouse No. 9, in our name." This was the last shipment we ever received, as "cheap whisky" run our shippers out. I forgot to cancel the bond on this last lot. Some months afterward my attention was called to this neglect. I immediately called at the collector's office to cancel said bond; it could not be found; the clerk informed me the bond was virtually canceled, as I had transferred in bond, and it was so entered on the books. He promised to hunt up the bond, cancel, and return it. This he failed to do, and in the hurry of business I again forgot it. Some time in 1871, I think, suit was instituted by the Government against me for revenue on said one hundred barrels of whisky. For five years I have vainly tried to have the case brought to trial. These are the facts and that is the case referred to by Beckwith, when, in his testimony, he connected my name with irregularities in whisky. I also wish to say I am not the Oglesby whose name appears on the pay-roll of the custom-house. I wished to appear before your committee to make these statements, but had not the opportunity. May I ask that this present statement may appear in your report, as an act of justice to—

Yours,

J. H. OGLESBY.

Hon. R. L. GIBSON,
Chairman, &c.

Letter from the Supervising Architect of the Treasury in regard to contract of Edward A. Davis, for repair of warehouse and quarantine station on the Mississippi River, and the erection of a wharf.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
July 31, 1876.

SIR: In reply to your inquiry of the 29th instant, I have the honor to inform you that a contract was entered into, under date of October 18, 1872, between Edward A. Davis, of New Orleans, La., and J. F. Morse, then superintendent of the United States custom-house in that city, for the repair of the United States warehouse at quarantine station, on the Mississippi River, in Louisiana, and the erection of a new wharf thereat, according to plans and specifications furnished by the said Morse. In compensation therefor he was to receive the sum of \$5,000. This contract is attached to a voucher receipted by Edward A. Davis for the sum of \$5,000, transmitted with the account of James F. Casey, disbursing-agent, New Orleans, La., for the month of October, 1872, under the appropriation for "Repairs and preservation of public buildings."

Very respectfully,

WM. A. POTTER,
Supervising Architect.

Hon. R. L. GIBSON,
Chairman Committee, &c., House of Representatives.

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THOMAS BURKE.

AUGUST 11, 1876.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. EDEN, from the Committee on War-Claims, submitted the following

REPORT:

[To accompany bill H. R. 1136.]

The Committee on War-Claims, to whom was referred the bill (H. R. 1136) for the relief of Thomas Burke, of Virginia, report as follows:

For some time prior to the breaking out of the late rebellion, Thomas Burke was the contractor for carrying the United States mails on route 4383, from Lewisburgh to Kanawha, in the State of Virginia, for which he received a compensation at the rate of \$3,490 per annum. He was paid for his services up to the 31st March, 1861, and continued to carry the mails regularly from that time until the 24th day of July, 1861, when he was prevented from further complying with his contract by reason of the line being occupied by United States and rebel troops. Owing to the interruption of intercourse between his home and Washington City, Mr. Burke was unable to make his report to the Post-Office Department, or to receive his pay for the quarter ending June 30, 1861. It appears from a communication of J. J. Martin, Auditor of the Treasury for the Post-Office Department, to Hon. John T. Harris, member of Congress, dated May 6, 1872, and other evidence, that there is due him \$1,100.11 for carrying the mails from April 1 to July 24, 1861, as per contract, allowing compensation at the rate of \$3,490 per annum.

The committee, therefore, recommend the passage of the bill.

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LEON FRANK.

AUGUST 11, 1876.—Laid on the table and ordered to be printed.

Mr. ELLIS, from the Committee on War-Claims, submitted the following

R E P O R T :

The Committee on War-Claims, to whom was referred the claim of Leon Frank, submitted the following report :

Leon Frank, a citizen of Chicago, and formerly of Louisiana, claims from the Government the sum of \$74,432 for the seizure by the United States troops of 17,700 pounds of tobacco valued at \$4 per pound, and 7,304 pounds of cotton (being 15 bales of cotton) valued at \$1.75 per pound.

Taking for true all the evidence adduced, according full faith and credence to the mass of affidavits contained in the record, we would find the following facts :

That in 1863 claimant had stored at Mandeville, a small town in Louisiana on the shore of Lake Pontchartrain, opposite to and twenty-six miles from New Orleans, about 117 boxes of tobacco for shipment to the latter-mentioned place ; that said tobacco was worth \$4 per pound ; that it was stored in a warehouse in Mandeville until some time in the spring of 1864, when that place was occupied by a detachment of Federal troops. Without any orders—indeed, against the orders of General Banks, which commanded the protection and forbade the seizure of the property of loyal citizens—a number of the soldiers broke open the warehouse and appropriated the tobacco. Without pausing now to discuss the question as to whether or not tobacco could be classed in any case as “army supplies,” the proof is absolute that it was lawlessly, wantonly seized without any order ; and there is no evidence that it was distributed *pro rata* or uniformly among the troops, or that it was sold or disposed of in any way for the benefit of the Government, or in aid of its struggle for self-preservation. The act of taking was a mere lawless, unauthorized act upon the part of individual soldiers, and cannot render the Government liable, any more than it would be liable had these same soldiers met claimant upon the highway and robbed him of his purse.

Your committee is of opinion that the item for tobacco, even at the modest and tempting price of \$4, gold, per pound, cannot be allowed.

In regard to the cotton for which payment is claimed, it is alleged, and sought to be proved, that it was seized and used to make hospital mattresses.

One Captain Bishop testifies that it was so seized and used in August or September, 1863. But, strange to say, claimant's bill of sale of this same cotton is in the record, in which it is shown that five months after its alleged seizure and appropriation by the Government, claimant sold it to Blake & Marshall, at Madisonville, six miles from the place of its alleged seizure, for the price of 50 cents per pound ; and the bill further evidences his receipt then and there of \$1,826, cash in hand, as part of the purchase-price of the cotton. Claimant endeavors to explain away

this sale and the low price he agreed to take, by saying that he was forced to leave that part of the country on account of his Union sentiments. And yet a detachment of Union soldiers was then stationed at Mandeville, only six miles away, and the lake and the neighboring country were completely within Federal control, and there was not an organized force of confederates within sixty miles.

But your committee are free to say they do not believe the testimony adduced. It is conflicting, contradictory, and irreconcilable. According to all the testimony of all the witnesses, Frank was threatened, persecuted, arrested, ropes placed about his neck, which were taken off only through the influence of the Honorable and Ancient Order of Free Masons. Guards were stationed about his house, frequent searches were made of his house and premises, goods and property were taken from his "plantation," and all on account of his loyalty. One or two witnesses heard of his loyalty, and threats against his life, even at the rebel capital, 1,000 miles from claimant's home; others heard of it all along the rebel lines from Richmond to claimant's residence; and yet, according to bills of sale of the tobacco for which he claims payment, in February, 1863, claimant was at Jackson, Miss., then the confederate headquarters of that department, peaceably buying tobacco. Jackson is about 130 miles above Ponchatoula, where claimant lived, and, to the knowledge of the committee, no private goods or merchandise was permitted to be shipped on the Jackson and New Orleans Road—the only line of transportation between Jackson and Ponchatoula—without a confederate permit and full proof of fealty to the confederate cause.

Again, one of claimant's sons, to bolster his father's claim to loyalty, testifies that in 1861 his father sent him from Ponchatoula to New Orleans, a distance of 45 miles, to escape conscription. This was December, 1861. Arriving there he was impressed into the rebel service for the defense of the city, when his "loyal" father rescued him and sent him North. This evidence will be properly appreciated when it is remembered that the first conscript act of the rebel government was passed in April, 1862, and that when the witness was impressed to aid in defending the city, the expedition which afterward attacked and captured New Orleans was not organized or fitted out.

Another of claimant's sons was rescued from conscription and sent away by his "loyal" father. He swears at length to the facts. In his affidavit he fixes his present age and the date of the attempted conscription. Taking the two dates together, he shows that when he fled from conscription he was below the lowest age ever included within the operation of the most grasping conscription act of the confederate government.

From personal knowledge of the country where claimant lived, of its history during the war, of the illicit trafficking and blockade-running which was carried on between New Orleans and the northern shores of Lake Pontchartrain, by men who were very "blue" when in the Union lines and very "gray" when in the confederate lines, without principle of any kind, and loyal only to themselves and to their sordid purposes, your committee are free to say that they disbelieve the oaths as to claimant's fealty to the Union and his sacrifices therefor.

Taking the character and manner of the affidavits, their strange discrepancies, their positive tone, their utter variance with well-known facts and dates of history, your committee are free to say that this pretended claim, in their opinion, is a deliberate and felonious attempt by perjury and subornation of perjury to defraud the Government.

They report back H. R. — with unfavorable recommendations, and ask that it lie on the table.

A. L. H. CRENSHAW.

AUGUST 11, 1876.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. EDEN, from the Committee on War-Claims, submitted the following

R E P O R T :

[To accompany bill H. R. 2317.]

The Committee on War-Claims, upon the claim of A. L. H. Crenshaw, beg leave to report that, in substance, they adopt the report of the former committee, which is as follows :

Report No. 566, 43d Congress, 1st session.

A. L. H. CRENSHAW.

MAY 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. C. L. COBB, from the Committee on War-Claims, submitted the following report,
[to accompany bill H. R. 3269:]

The Committee on War-Claims, to whom was referred the petition of Aaron L. H. Crenshaw, of Jackson County, Missouri, having considered the same, respectfully submit the following report :

The petitioner asks payment for fifty-five mules, which, together with other property, he was robbed of by United States officers under command of General Thomas Ewing, jr., in Missouri, in the month of September, 1863, for the loss of which mules he claims the Government was rendered liable by subsequently taking possession of them. His claim was referred, for investigation, to a board of Army officers convened at Kansas City, Mo., who, after full inquiry into the facts of the case, report, under date of September 6, 1864, that Crenshaw, a licensed cattle and mule broker, residing in Jackson County, Missouri, and an unconditional Union man, was the victim of a conspiracy organized by Lieutenant Lindsey, Eleventh Kansas Volunteers, Wiley Aiken, W. Logan, a Government detective, John Hampton, Andrew Hammond, and Major Plumb, provost-marshal, district of the border, to rob him of his property; that said Wiley Aiken handed Crenshaw two letters, with the request to deliver them at a certain cross-road; but being an old man, Crenshaw could not read the address, but put the letters in his pocket; whereupon they were demanded of him by Lieutenant Lindsey, one of them proving to be from a Mrs. Page to her rebel husband, a fact of which Crenshaw, until then, was ignorant, because of his inability to read; that he was at once arrested and confined four days in jail, in Independence, Mo., where he was visited by Captain Graham, acting quartermaster, who, though he knew that Crenshaw was loyal, demanded as the condition of his release that he would show where Quantrell had his camp; that he assured Graham he did not know, whereupon the latter told him to make his peace with God for he had to die; that Graham confiscated his hay and corn and burned his house, but failed to charge himself with these supplies; that Crenshaw was then sent to Kansas City and confined in a cell under the court-house, from whence he was taken during the night following by Government Detective Logan, who had an order from Major Plumb, provost-marshal, for his delivery; that after removing Crenshaw from prison, Logan questioned him as to his money and purchases and sales of stock, noting the answers made in a book; that while in Logan's custody on this occasion they were joined by two men, John Hampton and Andrew Hammond, who seized hold of and tried to force him into a ravine outside of the city, and upon his resistance drew pistols and threatened to kill him, the while questioning him as to his

stock, and proposing to purchase of him 100 head of cattle for \$100; that he offered to give them the cattle if they would not kill him, and he was then returned to prison; that, on the 11th of September, 1863, Kingsley, chief of detectives, took him out of prison on an order from Major Plumb, and offered him \$150 for one hundred cattle, stating that he must "trust to honor" for the money; that on the following day Logan came with another order from Major Plumb, took Crenshaw into a room, where Kingsley had provided writing-materials, and compelled him to sign a bill of sale for one hundred cattle and thirty hogs, consideration specified \$650, with the understanding that he was to receive only \$150, but that he never received a cent; that these men continued to threaten and maltreat Crenshaw until they obtained from him bills of sale of all his property and orders for its delivery; that the mules now claimed for being a part of the property so obtained, were sold to Clark, Gruber & Co., of Leavenworth, Kans.; that General Ewing, not recognizing Clark, Gruber & Co. as the rightful owners of the mules, ordered that they should hold them for the Government, and took their bond to secure compliance with his order; that General Ewing was shortly afterward relieved by General Curtis, who permitted the mules to be sent away and sold.

The board, in conclusion, recommend—

"1. The nineteen mules which General Ewing says were put in a Government train should be settled for.

"2. The eleven head of horses which were given to the Lawrence committee should be settled for.

"3. The hay and corn seized by Quartermaster Graham should be settled for.

"4. The fifty-five mules in the hands of Clark, Gruber & Co., held by bond to General Ewing for delivery, should be settled for or returned to Crenshaw."

Judge-Advocate-General Holt concurs in the findings of the the board, and the Quartermaster-General states that the property mentioned in the above recommendations, except the fifty-five mules, has been paid for by the Government.

Respecting this portion of the claim, the Judge-Advocate-General, in his report to the Secretary of War, says:

"That Crenshaw has, probably, a valid claim for the value of the mules taken from him under the bill of sale to Logan, and which were afterward transferred to Clark, Gruber & Co., and by them disposed of. But as this claim can only be made good by recourse to Congress, it need not here be discussed. As part of the history of this transaction, however, it may be said that the felonious act of the United States officials, Logan and Kingsley, (which is said to constitute the crime of robbery under the laws of Missouri,) in obtaining the property, the apparent error of General Ewing, in allowing it to remain in the hands of Clark, Gruber & Co., after he had been fully advised of all the facts in the case; and the neglect or omission of his successor, General Curtis, to make any order in regard to it, so that at length the holders were enabled to put it out of the way, are circumstances which together would seem to raise an equity in favor of Crenshaw, and to entitle him to a favorable adjudication upon his claim."

Your committee are of opinion that the proof sustains the taking of the mules; that the same have never been paid for, and that Mr. Crenshaw is entitled to compensation for the same. They accordingly report the accompanying bill, appropriating the sum of \$5,500, and recommend its passage.

But your committee think the price of \$125 per head reasonable and fair compensation for the fifty-five mules. They suggest that the bill H. R. 2317 be amended by striking out in lines 5 and 6 the words "nine thousand six hundred and twenty-five," and substituting in lieu thereof the words "six thousand eight hundred and seventy-five;" and thus amended, they recommend its passage.

DR. MARY E. WALKER.

AUGUST 11, 1876.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. EDEN, from the Committee on War-Claims, submitted the following

REPORT :

[To accompany bill H. R. 4089.]

The Committee on War-Claims, to whom was referred the bill (H. R. 3528) for the relief of Dr. Mary E. Walker, having considered the same, would respectfully report :

That they find the facts are as found in a report from the Committee on War-Claims of the Forty-third Congress, which report is as follows :

That Dr. Walker claims that she practiced medicine in the State of New York prior to the breaking out of the war of the rebellion ; that soon after the commencement of the war she volunteered her services to take care of the sick, wounded, and disabled soldiers of the United States, and the Army had the benefit of her labors and her skill, and seemed to hold them in high esteem.

She served as an assistant surgeon in the hospital in November and December, 1861, and received commendation from the surgeon in charge as " an intelligent and judicious physician." She served in hospitals in the field, in the manner mentioned, through the war, except such period of time as she was a prisoner under the confederate authority.

In April, 1864, she was taken prisoner, and remained such prisoner for about four months. She complains and insists that, by reason of her exposures incident to the hardships of campaigns, she has suffered in her general health, and also in an atrophy of the optic nerves, which has impaired her powers of endurance, and has to a great extent deprived her of the power to earn her livelihood.

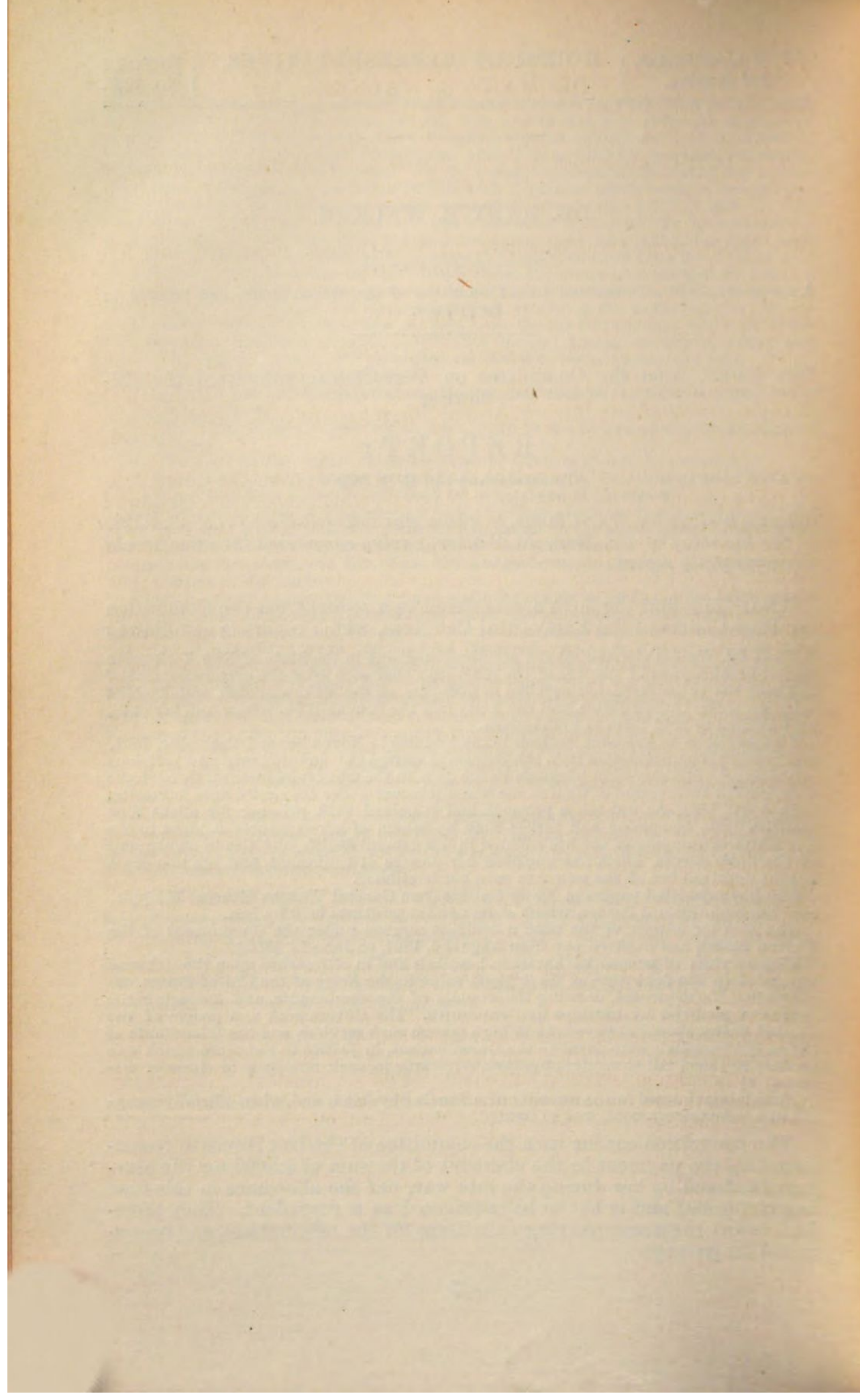
She has submitted papers to the committee from General Thomas, General Whipple, and Surgeon-General Barnes, which show various positions held by her.

She was for a part of the time a contract-surgeon under the Government of the United States, and received pay from August 6, 1864, to June 12, 1865.

The services of women as nurses in hospitals and in attendance upon the sick and wounded in the field were of the highest value to the Army of the United States, encouraging the depressed, dressing the wounds of the combatants, and assuaging the fevers engendered by hardships and exposures. The Government and people of the United States should always hold in high esteem such services, and the inhabitants of those States which were loyal to the Union cannot, in justice to the cause which was so dear to them, fail to render appropriate rewards to such ministers in times of distress.

The claimant acted in the capacity of a female physician, and, when officially recognized by the Government, was so treated.

The committee concur with the committee of the last House in recommending the payment to the claimant of the sum of \$2,000 for the services rendered by her during the late war, but the allowance in this case is exceptional and is not to be considered as a precedent. They therefore report the accompanying substitute for the original bill, and recommend its passage.



MOSES F. CARLETON.

AUGUST 11, 1876.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. A. HERR SMITH, from the Committee on War-Claims, by unanimous consent submitted the following

REPORT:

The Committee on War-Claims, to whom was referred the bill (H. R. 2386) for the relief of Moses F. Carleton, late second lieutenant of Company I, Fourth Michigan Infantry Volunteers, report :

This is an application for pay of second lieutenant from October 20, 1865, to June 12, 1866, of Moses F. Carleton, who enlisted as private in Company I, Thirtieth Regiment Michigan Volunteer Infantry, 26th September, 1864, and the regiment was consolidated, and Company I was transferred shortly after to the Fourth Michigan Infantry, and he was made a sergeant in Company I, Fourth Regiment Michigan Volunteers. He received a commission of second lieutenant October 24, 1865, said company having but one commanding officer, viz, a first lieutenant, who received a commission of captain of same date. He was assigned to duty under the commission as second lieutenant in Company I, Fourth Regiment Michigan Volunteers.

The evidence of First Lieut. and Adj. William F. Bradley, Fourth Regiment Michigan Volunteers, goes to show that Moses F. Carleton was commissioned a second lieutenant of said regiment, and performed the duties of one from October 24, 1865, until the discharge of the regiment.

The evidence of William Black, first lieutenant of Company I, Fourth Regiment Michigan Volunteers, shows that said Carleton was promoted to a second lieutenancy, and that he performed the duties of same. The evidence of the colonel, J. W. Hall, Fourth Regiment Michigan Volunteers, goes to show that he received a commission of second lieutenant, that he was assigned to duty under said commission, and that he did well and faithfully perform said duty from October 22, 1865, to the discharge of the regiment. The evidence of S. S. Parker, major of Fourth Regiment Michigan Volunteers, goes to show the same facts.

Your committee, therefore, agree that the claimant should be paid from the 20th day of October, 1865, until June 12, 1866, less his pay as sergeant of said company, and therefore recommend the passage of the bill as committed..

JOHN B. SLACK.

AUGUST 11, 1876.—Laid on the table and ordered to be printed.

Mr. A. HERR SMITH, from the Committee on War-Claims, by unanimous consent, submitted the following

REPORT :

[To accompany bill H. R. 1233.]

The Committee on War-Claims, to whom was referred the bill (H. R. 2080) for the relief of John B. Slack, late acting third assistant engineer of the United States Navy, submit the following report :

From the evidence, it appears that the claimant, on the 1st of November, 1864, was appointed third assistant engineer in the Navy, which appointment was accepted November 25, 1864. Claimant then asked for his discharge as a first-class fireman in the United States naval service, having been mustered in for three years as a substitute for E. P. Sherman, of Lebanon, Me., and for which he received \$400 from the State of Maine, October 6, 1864. He also received \$83 for work on his vessel after having been mustered into the service of the United States, to wit, October 1, 1864.

His application for discharge was refused by Admiral Bailey, and he was ordered to be arrested, to be tried by court-martial for having shortly previous to his application for an appointment enlisted for the purpose of obtaining bounty, and for having received two pays for the same employment. Pending his confinement for trial, he proposed to compromise the matter and pay over the \$400 bounty and the extra pay of \$83 for work done, provided the order to cancel his commission should be rescinded. The Department, after deliberation, accepted the offer of compromise, stayed the proceedings of the court-martial, and on the 5th of February, 1865, revoked the order revoking his commission. The claimant then, released from the trial and its contingencies, and with his commission restored, entered upon his duties, and so continued until his honorable discharge July 1, 1868.

Instead of respecting the compromise thus deliberately made, soon after his return he made application for the repayment to him of the \$400 voluntarily paid to the Government, and made a condition-precedent to the settlement of the court-martial trial and the restoration of claimant's commission. The letter of the Secretary of the Navy, refusing this application, is herewith given :

NAVY DEPARTMENT,
Washington, July 30, 1868.

SIR : Upon referring to the record in your case, it appears that in November, 1864, you were appointed an acting third assistant engineer, the Department not being aware at the time that you were already in the service as an enlisted man, having shortly previous to your application for the appointment enlisted for the purpose of

obtaining bounty. Upon your own voluntary proposal, you were permitted to return the appointment, upon the condition of refunding the bounty and the pay which you had illegally drawn.

Having received all the benefit of an assent to your request, you now claim a return of the bounty upon the ground that the Department had no right to assent to the request.

The claim cannot be allowed.

I am, respectfully, your obedient servant,

G. WELLES,
Secretary of the Navy.

Mr. JOHN SLACK,
Philadelphia.

In no way discouraged by this answer, in December, 1873, a similar application was made to the present Secretary of the Navy, whose letter of January 17, 1874, is also herewith given :

NAVY DEPARTMENT.
Washington, January 17, 1874.

SIR : Your letter of the 16th ultimo, in relation to a claim of John B. Slack, was referred to the naval solicitor, who reports as follows :

"This claim was disallowed by Secretary Welles in July, 1868 ; nothing has occurred to render that decision unjust.

"Slack, in 1865, proposed to pay, and did pay, to the Government certain moneys as the condition of the discharge of proceedings against him. This was done by his own request, and the proceedings were stayed. Three years afterward (1868) he petitioned, as he does now, for the return of that money, and Secretary Welles refused.

"There is not a shadow of foundation for this claim, and the application should be refused."

Very respectfully,

GEO. M. ROBESON,
Secretary of the Navy.

DANIEL O'C. CALLAGHAN, Esq.,
Washington, D. C.

Having failed before the Navy Department, claimant now appeals to Congress for relief. No additional evidence is furnished. The attempt is very bold, and would be scouted out of all tribunals pretending to be governed by any principles of law or equity. The whole case is in a nutshell. The claimant was charged with an offense, and arrested and ordered to be tried by court-martial. To escape this trial and its consequences—fine or imprisonment, or both—he entered into a compromise. Part of this compromise was the restoration of a commission previously revoked. He takes the commission, reaps its honors and emoluments, and then seeks to recover the \$400 demanded by Government and paid by claimant in pursuance of the compromise.

Your committee report the bill with an adverse recommendation.

F. W. E. LOHMAN, SAMUEL RUTH, DECEASED, AND CHARLES
M. CARTER.

AUGUST 11, 1876.—Laid on the table and ordered to be printed.

Mr. A. HERR SMITH, from the Committee on War-Claims, by unanimous consent, submitted the following

R E P O R T :

The Committee on War-Claims, to whom was referred the petition of Samuel Ruth, F. W. E. Lohman, and Charles M. Carter, of Virginia, for relief, make the following report :

This is a claim for secret service rendered the Union armies during the late war of the rebellion. The nature of the information given is embodied in the petition to the Secretary of War, Hon. E. M. Stanton :

1. Your petitioners informed the Government of the strength of the force guarding the bridges on the Richmond, Fredericksburgh and Potomac Railroad, on the Virginia Central Railroad, and on the South Anna, North Anna, and Little Rivers.

2. Of the amount of commissary's stores, &c., that came over the Fredericksburgh road. Large quantities of bacon were brought from the Northern Neck during the fall and winter of 1864, which your petitioners were of opinion came across the Potomac from the lower part of Maryland.

3. Of the arrangement made by the rebel government in which the railroads were to participate with some blockade-runners on the Blackwater, to bring in all important articles wanted by the rebels and the roads.

4. Of the exact number of troops sent by General Lee to Wilmington to re-enforce the forts below the town, on the Cape Fear River, when General Butler went to attack it.

5. Of the strength of Early's command in the valley, previous to General Sheridan's last raid. Also of what troops had been taken from Early to strengthen Lee's lines before Richmond and Petersburg.

6. Of the strength of the rebels in Southwestern Virginia, some time before General Stoneman's raid, when he cut the Virginia and Tennessee Railroad, west of Lynchburgh. This was after they had been defeated under Breckinridge, and he (Breckinridge) had been made secretary of war. It was the last raid in that quarter, some time in January last.

7. Of the general deficiency of the commissary and quartermaster's stores, and the rapid destruction of railroad-tracks and rolling-stock. Your petitioners also suggested the offering of a large premium to engine-runners, machinists, blacksmiths, molders, and other mechanics employed by Government and private parties engaged by the rebel government, and constant employment, and high wages, as an inducement to desert, to be advertised extensively in the northern papers; the papers to be distributed to the Army, and passed over by the pickets. This suggestion was acted upon, and the result was that large numbers deserted. So seriously did the rebels feel this blow, that an entire suspension of the said road was threatened, and a meeting of the railroad companies centering in Richmond was held to take steps to avert, if possible, this wholesale desertion. This was a cause of want of commissary supplies in Lee's army, and contributed largely to the desertion of soldiers during the winter, and in the month of March.

8. Of the attack Lee made on Fort Steadham. Your petitioner could not tell when the attack would be made, but understood it would be as soon as the ground was dry enough to move artillery.

9. Of the mining of Doctor Duval's house near Petersburg, for the purpose of blowing up, if possible, any officers, should they succeed in getting in the house.

10. In the latter part of February, a captain and quartermaster came to the office of

the company and stated that he wanted to ship 400,000 pounds of tobacco to Hamilton Crossing, to be hauled to the Potomac and exchanged for bacon. This your petitioner, S. Ruth, immediately communicated to Mr. Carter, General Sharpe's secret messenger and at the proper time he saw Captain Oliver, who reported it at headquarters. The result is well known; nearly the whole fell into the possession of the United States.

This petition was referred to Judge-Advocate-General Holt, who made the following report:

BUREAU OF MILITARY STATISTICS, *February 16, 1866.*

To the SECRETARY OF WAR:

The papers herewith respectfully returned go to show that the claimants, Ruth, Lohman, and Carter, furnished valuable information to our forces, for which they should be suitably remunerated. According to the evidence of Colonel Sharpe, they have already received certain allowances, the amount of which should be ascertained, and probably may be in the mode suggested by him. The demand is a proper one to be discharged out of the secret-service fund of the War Department, if the appropriation be adequate. The only remaining question is, What sum or balance will be a reasonable compensation? This question this bureau is without the means of determining. The importance of the information furnished and the value thereof to our armies can only be known or estimated by the commanders cognizant of the facts, and who conducted contemporary military operations. It is therefore recommended that the Lieutenant-General, and such subordinate officers as he may think capable of judging of the matter, be consulted as to the amount proper to be awarded for the services, and contributed by these parties for the benefit of the United States during the war, as alleged and set forth in the bill of items contained in their petition.

J. HOLT,
Judge-Advocate-General.

The following certificate from Paymaster H. P. Clinton indicates the amount paid to each of the claimants:

OFFICE COMMISSARY OF SUBSISTENCE,
Richmond, Va., March 17, 1866.

Respectfully returned to C. A. Nichols, assistant adjutant-general, with the information that during the month of June, 1865, by direction of General George H. Sharpe, assistant paymaster-general Army United States, I paid S. Ruth the sum of \$500; to Charles M. Carter, \$500, and to F. W. E. Lohman the sum of \$200.

H. P. CLINTON.

As the amount of the claim against the Government is not fixed by the claimants, and no data are given of the value of the information furnished, your committee are constrained to believe that the sum paid in June, 1865, after the service had been fully rendered, was intended to be in full of all demands.

From the evidence, it appears that neither Ruth nor Lohman were employed by the Government, and that Carter was General Sharpe's secret messenger. It was the duty of the said messenger by virtue of his position to communicate all information to his head. This he did, and for this he received as a special reward the sum of \$500. Ruth was superintendent of the Richmond, Fredericksburgh and Potomac Railroad, and of course paid by said company. For the information, which cost him nothing, he was paid by the Government \$500. The other party, Lohman, received \$200. It is fair to suppose that the discrimination was just and equitable, as the whole payment was made by order of General Sharpe.

It is manifest that much information of a similar character was frequently furnished by loyal citizens uninfluenced by money or hope of reward. Everywhere patriotic men and women, either as individuals or through organizations, gave their time and means to save a nation in peril. To pay for information given where no expense has been incurred or no sacrifice made is not the dictate either of wise statesmanship or elevated morality.

Your committee, therefore, report that the prayer of the petitioners should not be granted.

J. C. McCONNELL.

AUGUST 11, 1876.—Laid on the table and ordered to be printed.

Mr. A. HERR SMITH, from the Committee on War-Claims, by unanimous consent submitted the following

R E P O R T :

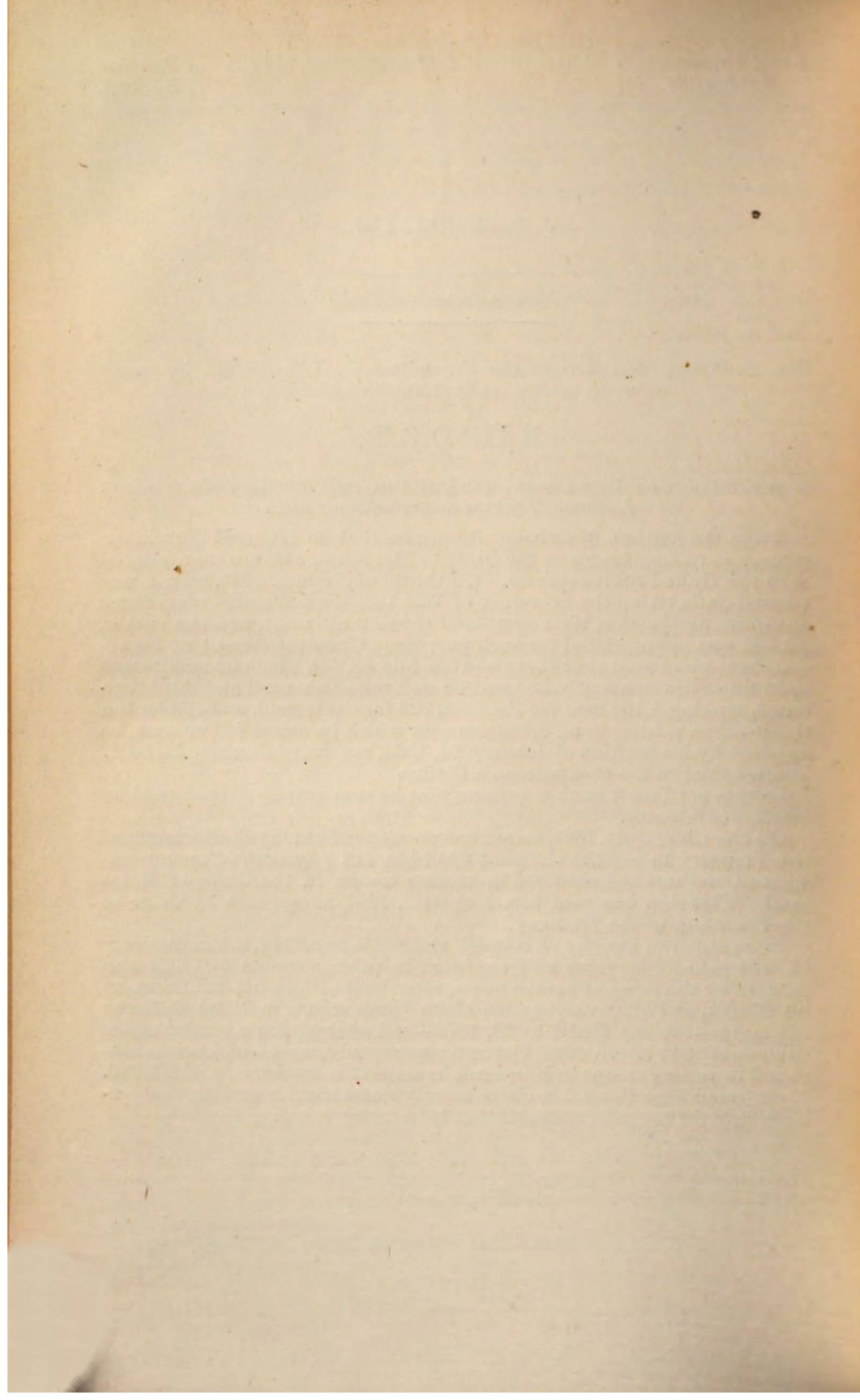
The Committee on War-Claims, to whom was referred the claim of J. C. McConnell, submit the following report :

From the petition of claimant it appears that he incurred certain expenses in raising troops in the State of Maryland, which were mustered into the United States service. On the 3d of August, 1861, an act was passed authorizing the Secretary of War to audit and settle, upon terms of equity and justice, the accounts of the said claimant, and the sum of \$8,500 was appropriated for such purpose. Upon settlement of his accounts it was found that there was due him \$8,000, which he admits was paid him. Subsequently he went on and raised a second and third regiment, making 1,100 men for the first, 906 for the second, and 760 for the third—thus raising in all 2,766 men, for which he asked \$2 per man, as appears by his petition of January 23, 1863, presented January 12, 1864, and referred to the Committee on Claims.

In this petition it further appears that he was employed and paid as colonel of infantry.

On the 4th of July, 1864, an act was passed authorizing the Secretary of the Treasury to pay the claimant \$2,000 in full payment of money advanced and services rendered in raising troops in the State of Maryland. This sum was paid him August 2, 1864, as appears by letter of the Secretary of the Treasury.

In addition to his pay as colonel, and while so acting, it thus appears he was paid for services and expenses in raising troops \$10,000; and now, after the lapse of twelve years, after having lost his vouchers, as he alleges, and after varying his claim three times, in three different affidavits—the last filed May 29, 1876—and after giving a receipt under the act of 1864 in full of all claims for money advanced and services rendered in raising troops in Maryland, he claims the further sum of \$20,000. Your committee think his claim utterly unreasonable and unconscionable, and therefore recommend that it be not granted.



O. P. NORRIS.

AUGUST 11, 1876.—Laid on the table and ordered to be printed.

Mr. A. HERR SMITH, from the Committee on War-Claims, by unanimous consent submitted the following

REPORT:

[To accompany bill H. R. 2357.]

The Committee on War-Claims, to whom was referred the bill (H. R. 2357) for the relief of Lieutenant O. P. Norris, of the One hundred and eleventh Ohio Infantry, submit the following report:

From the petition of claimant it appears that he acted as second lieutenant under Special Orders No. 12, issued January 26, 1863, by Jno. R. Bond, colonel, commanding regiment, but, as he alleges, for some unexplained reason was never commissioned. He now asks to be paid as second lieutenant from January 12, 1863, to May 13, 1863, less his pay as first sergeant for the same time. The record shows that claimant was commissioned first lieutenant by Governor Todd, May 13, 1863, at which time it would seem to have been proper to have also secured a commission as second lieutenant, or made some arrangement to secure him the pay of second lieutenant, if, under regulations, a commission for second lieutenant could not have been issued. But this was not done, and after the lapse of thirteen years Congress is asked to do that which for some unexplained reason was not done by the proper men at the proper time. It is enough for your committee to know that the claimant did not make application to correct this mistake, if mistake it was, when he applied for and received his commission as first lieutenant; and in the absence of a commission as second lieutenant, your committee do not deem it safe or right to allow him pay as second lieutenant. They therefore recommend that the bill do lie upon the table.

[Forty-fourth Congress, first session.—H. R. 2357.]

In the House of Representatives, February 28, 1876.—Read twice, referred to the Committee on War-Claims, and ordered to be printed.

Mr. FOSTER, on leave, introduced the following bill for the relief of Lieutenant O. P. Norris, of the One hundred and eleventh Ohio Infantry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and instructed to pay from the Treasury, out of any money not otherwise appropriated, to First Lieutenant Omer P. Norris, late of Company B of the One hundred and eleventh Ohio Volunteer Infantry, the pay and allowances of a first lieutenant of infantry from the twenty-sixth day of January, eighteen hundred and sixty-three, to the thirteenth day of May, of the same year, less first sergeant's pay for the same time.

THE JOURNAL OF THE
AMERICAN MEDICAL ASSOCIATION
PUBLISHED WEEKLY
CHICAGO, ILL., U.S.A.
1917

1917

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REPORTS

The American Medical Association is pleased to publish this report of the
Committee on the Medical Profession, which was organized in 1915 to study
the problems of the medical profession and to make recommendations thereon.

From the position of chairman of the committee, it appears that the medical
profession is in a state of transition. The medical profession has been
subjected to many changes in the last few years. The medical profession
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the problems of the medical profession and to make recommendations thereon.

CAPT. W. L. FOULK.

AUGUST 12, 1876.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. JOHN REILLY, from the Committee on Military Affairs, by unanimous consent, submitted the following

REPORT:

[To accompany bill H. R. 3862.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 3862) for the relief of Capt. W. L. Foulk, late of the Tenth Regiment United States Cavalry, having considered the same, would respectfully report thereon as follows:

Capt. William L. Foulk entered the volunteer service April 23, 1861, as second lieutenant Seventh Regiment Pennsylvania Volunteer Infantry—three months' service—and served in General Patterson's command until August 5, 1861, when he was mustered out as first lieutenant, having been promoted June 11, 1861. Re-entered the service August 26, 1861, as captain Forty-sixth Pennsylvania Volunteer Infantry, and was promoted lieutenant-colonel June 9, 1863.

Service.—With regiment in Maryland and Shenandoah Valley of Virginia, and in Eastern Virginia until wounded in action and taken prisoner at Cedar Mountain August 9, 1862. In the hands of the enemy to October 22, 1862. On parole and under medical treatment to June, 1863. With regiment in the Army of the Potomac to September 25, 1863, and in the Army of the Cumberland to January 26, 1864. On detached duty, recruiting, &c., at Pittsburgh and Erie, Pa., to December 11, 1864; in command of Exchange Barracks, Nashville, Tenn., to July 29, 1865, when honorably mustered out of the service. When with his regiment he participated in all its battles, (including Gettysburgh,) marches, &c. He is strongly indorsed by Major-Generals A. S. Williams and John W. Geary, (the latter afterward governor of Pennsylvania,) under whom he served during the war.

May 11, 1866, he was appointed second lieutenant Eighteenth Infantry, Regular Army; September 21, 1866, transferred to Thirty-sixth Infantry; promoted to first lieutenant March 1, 1867. December 15, 1870, assigned to Tenth Cavalry, and afterward promoted to captain of same regiment.

Service.—In Nebraska, and Utah, and Fort Potter, N. Y., with infantry regiments; Indian Territory and Texas until January 4, 1874, when he was dismissed by the court-martial proceedings held at Fort Griffin, Tex., September 19, 1873.

The following is the Judge-Advocate General's review of the trial:

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
June 25, 1876.

SIR: In compliance with your direction, conveyed through the indorsement of the Adjutant-General of the 23d instant, I have the honor to report as follows upon the

application for *re-instatement* of W. L. Foulk, late captain Tenth Cavalry, dismissed the service in December, 1873. (See General Court-Martial Orders, No. 58, of that year.)

Captain Foulk was brought to trial—

First. For an assault, accompanied by threatening words, committed (on August 3, 1873) upon his superior officer, Capt. C. D. Viele, of the same regiment, by striking him on the neck with his saber. Of this offense, presented under different charges, he was convicted, and sentenced to be dismissed.

Upon the conclusion of this trial, Captain Foulk was at once arraigned a second time before the same court upon a charge of having preferred false and malicious charges against Captain Viele, in charging him—

First. With having (on April 25, 1873) been intoxicated, and while in that condition applying insulting and unjustifiable language to him, Captain Foulk. Second. With having (on April 28, 1873) improperly arrested and confined a female servant of Captain Foulk and deprived his family of her services, to their great inconvenience. Third. With having taken the aggressive, and assaulted *him*, Captain Foulk, on the occasion of the altercation which was the subject of the charge at the first trial.

Of these three specifications, the accused was acquitted of the two first, and convicted of the third, and upon this conviction was sentenced, again, to be dismissed.

The proceedings and sentences in both cases were approved by the President, as indicated by the general order already referred to.

The second trial of this officer appears to have been resorted to because the additional charges did not arrive at the department headquarters in time to be consolidated with the originals. Its effect has been, no doubt, to prejudice, and, in the view of this bureau, to prejudice unfairly, the case of this officer. It was valuable, however, as presenting facts without which the merits of the entire case could scarcely be comprehended.

Upon a careful review at this time of the testimony comprised in the two records of trial, the case of this officer presents itself to this bureau in brief as follows:

In the first place, the evidence is deemed to furnish good ground for believing that when Captain Foulk reported for duty to Captain Viele on April 25, 1873, the latter was, somewhat, at least, under the influence of liquor, and did in fact improperly and offensively receive and address Captain Foulk, who was naturally incensed at his treatment. He is thus deemed to have been justified in preferring a charge against Captain Viele founded upon this interview. As to his charge against the latter for improperly depriving him of his servant, this was without foundation, since Captain Viele is shown to have acted by the orders of a common superior. It was natural enough, however, that Captain Foulk should connect the act of Captain Viele on this occasion with his hostile and rude conduct three days before, and the court was clearly correct in finding that the second charge was preferred without malice or improper intent. As to the third accusation, though that is not deemed to have been sustained by the testimony, there yet was, in my opinion, enough ground for it to have relieved the accused from a conviction for having preferred it falsely and maliciously. In my judgment, therefore, he should have been wholly acquitted at the second trial.

As to the main offense—that which was the subject of the first trial—the evidence was conflicting. It was admitted by accused that he struck Captain Viele with his saber, but it was claimed by him that he did so practically in self-defense. The altercation between the two officers arose as follows: Captain Viele had been detailed to take command of a scouting-party, to consist of a detachment from his own company and a smaller one from the company of the accused. A certain number of pack-mules had been furnished to attend the party, and their disposition was of course under the control of its commanding officer. One of these mules, which had been tied to the picket-line of accused's company, was supposed—and with some reason—by accused to be intended for the use of the detachment from his own company, and he sent a corporal to lead it away to be packed. Captain Viele, proposing to use this mule for his own detachment, ordered the corporal to leave it, and, on his hesitating, took it from him by the halter. Captain Foulk then approached and apparently remonstrated with Captain Viele, who thereupon, as accused asserts and three of the witnesses at the trial positively declared, struck at, or made motions as if to strike at, the accused with his clenched fists, at the same time, as was stated by these witnesses, using angry and opprobrious words. That Captain Foulk thereupon struck Captain Viele a violent blow on the neck with his sheathed saber, which he had been carrying under his arm as officer of the day, is, as has already been noticed, admitted; but that the latter first struck at or threatened Captain Foulk is denied by himself and by the other witnesses on the part of the prosecution, who claim to have seen what occurred. From all the evidence, however, taken together, there is deemed to be good ground for the inference that Captain Viele probably did in fact assume a menacing attitude toward the accused before the latter struck him, and that the accused had some reason, at least, for believing that he was about to be attacked. So, though the blow inflicted by the accused was certainly without sufficient justification and constituted a grave offense, yet when it is considered that the officer struck was one of his own rank and his superior only

by seniority of commission; that he had on a previous occasion treated him with contumely and refused to have any but official relations with him; and that on the occasion of the assault he had, in a degree, at least, provoked him, it must be admitted that there were in the case such palliating circumstances as would have justified some mitigation of the sentence.

Mr. Foulk has filed, in connection with his present application and on previous occasions, a large number of testimonials, both from military men and civilians, which ascribe to him a high character for efficiency and fidelity as an officer, both in the volunteer and the regular service, and an excellent reputation as a citizen. Among these persons are Governors Hartranft and Geary, Senators Cameron and Scott, Hon. Mr. Negley, Messrs. F. R. Brunot, Samuel Harper, James Park, and others, of Pennsylvania, and by the Commissary-General and Paymaster-General of the Army, Lieutenant-Colonel Hardin, Majors O. H. Moore and William Myers, A. Q. M., Captains R. E. Johnston and L. Catlin, &c. Brigadier-General Augur, by whom the court in this case was convened, writes as follows:

"I should be glad to have the record of the proceedings of the court examined again by the Judge-Advocate General of the Army, and if anything is found therein to confirm Captain Foulk's impression, that it be corrected. My wish has been, and is now, that full justice should be done, both to him and to the service. I have known the captain since 1867, when he first joined his regiment, and during that time I have never heard his integrity questioned, and, so far as I know and believe, or have heard, he is entirely free from habits of dissipation."

Although this bureau has on previous occasions declined to make a favorable recommendation in this case, yet now, after a thorough re-examination of all the testimony, and in view of the impressions derived therefrom, as above expressed, I am induced to conclude that a re-appointment of the applicant may well be acceded to by the President. As already remarked, the second dismissal of this officer is regarded as unwarranted, while the first is deemed to have been a proper subject for mitigation. Mr. Foulk has now suffered under his sentence for two years and a half, and his personal worth as a gentleman and a soldier is, as has been seen, most fully vouched for.

It may be added that if the views here expressed are approved, and the President determines to re-appoint Mr. Foulk, his authority—if the opinion of Attorney-General Williams, in the case of Major Baird, (XIV Opinions, 164,) be followed—will be limited to an appointment to the grade of second lieutenant. Congress, however, may, of course, by a special act, authorize the President to re-appoint him to his former rank of captain, upon the occurrence of a vacancy.

W. M. DUNN,
Judge-Advocate-General.

Hon. J. D. CAMERON,
Secretary of War.

ADJUTANT-GENERAL'S OFFICE, July 17, 1876.

Official copy.

THOMAS M. VINCENT,
Assistant Adjutant-General.

From the foregoing, it is evident that the provocation to the assault was very great and the punishment for it very severe. The previous good character of Captain Foulk as a soldier and a gentleman should be considered now, at least after the severe punishment that this officer has suffered for his offense by being out of the service so long and under the odium of the sentence. Messrs. Felix R. Brunot, Samuel Harper, and James Park, of Pittsburgh, who are referred to in the Judge-Advocate-General's report as indorsing, are among the best citizens of the city; and in view of all the circumstances your committee recommend the passage of the bill authorizing the President to appoint him a captain in the Army upon the occurrence of a vacancy.

1. The first part of the paper is devoted to a general discussion of the problem of the origin of life. It is shown that the problem is one of the most important and interesting in the history of science. The author discusses the various theories of the origin of life, and shows that the most probable one is that of spontaneous generation. He also discusses the evidence in favor of this theory, and shows that it is supported by the facts of the case.

2. The second part of the paper is devoted to a discussion of the problem of the evolution of life. It is shown that the problem is one of the most important and interesting in the history of science. The author discusses the various theories of the evolution of life, and shows that the most probable one is that of gradual evolution. He also discusses the evidence in favor of this theory, and shows that it is supported by the facts of the case.

3. The third part of the paper is devoted to a discussion of the problem of the development of life. It is shown that the problem is one of the most important and interesting in the history of science. The author discusses the various theories of the development of life, and shows that the most probable one is that of gradual development. He also discusses the evidence in favor of this theory, and shows that it is supported by the facts of the case.

4. The fourth part of the paper is devoted to a discussion of the problem of the extinction of life. It is shown that the problem is one of the most important and interesting in the history of science. The author discusses the various theories of the extinction of life, and shows that the most probable one is that of gradual extinction. He also discusses the evidence in favor of this theory, and shows that it is supported by the facts of the case.

5. The fifth part of the paper is devoted to a discussion of the problem of the future of life. It is shown that the problem is one of the most important and interesting in the history of science. The author discusses the various theories of the future of life, and shows that the most probable one is that of gradual future. He also discusses the evidence in favor of this theory, and shows that it is supported by the facts of the case.

6. The sixth part of the paper is devoted to a discussion of the problem of the origin of the universe. It is shown that the problem is one of the most important and interesting in the history of science. The author discusses the various theories of the origin of the universe, and shows that the most probable one is that of spontaneous generation. He also discusses the evidence in favor of this theory, and shows that it is supported by the facts of the case.

7. The seventh part of the paper is devoted to a discussion of the problem of the evolution of the universe. It is shown that the problem is one of the most important and interesting in the history of science. The author discusses the various theories of the evolution of the universe, and shows that the most probable one is that of gradual evolution. He also discusses the evidence in favor of this theory, and shows that it is supported by the facts of the case.

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9. The ninth part of the paper is devoted to a discussion of the problem of the extinction of the universe. It is shown that the problem is one of the most important and interesting in the history of science. The author discusses the various theories of the extinction of the universe, and shows that the most probable one is that of gradual extinction. He also discusses the evidence in favor of this theory, and shows that it is supported by the facts of the case.

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GRANTING CONDEMNED CANNON, CARRIAGES, AND BALLS
TO THE SOLDIERS' FORT HILL CEMETERY ASSOCIATION
OF AUBURN, N. Y.

AUGUST 12, 1876.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. JOHN REILLY, from the Committee on Military Affairs, by unanimous consent, submitted the following

REPORT:

[To accompany bill H. R. 715.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 715) granting condemned cannon, carriages, and balls to the Soldiers' Fort Hill Cemetery Association of Auburn, N. Y., would respectfully report thereon as follows:

This bill grants six condemned bronze cannon for a statue, to be placed on the top of the monument; four iron cannon on carriages, and forty cannon-balls, to be placed at the base of the monument. The monument, it is represented, will be 200 feet in height, and will have in the interior the name of every soldier from the county who fell in the late war. Considering the magnitude of the monument, the committee have thought it proper to recommend the passage of the bill as amended, making the four cannon for the base iron instead of brass, the value of the former being only 1½ cents per pound.

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THEODORE F. HALLOCK.

AUGUST 12, 1876.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. JOHN REILLY, from the Committee on Military Affairs, by unanimous consent, submitted the following

REPORT:

[To accompany H. R. 4091.]

The Committee on Military Affairs, to whom was referred the petition of Theodore F. Hallock, late a private in Company G, Sixty-seventh Regiment Pennsylvania Volunteers, having considered the same, would respectfully report thereon as follows :

The petitioner alleges (which is sworn to) that on or about July 15, 1864, while on the march near Edwards Ferry, Virginia, with his company, he became exhausted from fatigue from excessive marching, and was unable to keep up with his company, and that while in the rear he was arrested and taken to Alexandria, Va., where he was held until about September 12, 1864, when he was returned to his regiment without having any charge preferred against him and without trial, and served with the regiment until mustered out with company July 14, 1865, being wounded in the battle of Cedar Run, Virginia, October 14, 1864.

The records presented by the War Department show his enlistment November, 1861, for three years; re-enlisted as a veteran January 1, 1864, for three years; reported deserted on or about July 15, 1864; returned to duty, without trial, by Brevet Major-General Ricketts, commanding Third Division, Sixth Army Corps, per Special Order No. 63, April 29, 1865. Private Hallock states that it was impossible for him to find any of his commissioned officers, and submits the following affidavit of the first sergeant of the company, confirming his own affidavit:

STATE OF PENNSYLVANIA, *County of Monroe, ss :*

On this 20th day of June, A. D. 1876, personally appeared before me, one of the judges in and for the county and State aforesaid, Jacob Andrews, who, being duly sworn according to law, deposes and says that he was late first sergeant of the Sixty-seventh Regiment Pennsylvania Volunteers in the late war against the rebellion, and is well acquainted with Theodore F. Hallock, who was a private in Company G, of said regiment; that deponent knows that the said Theodore F. Hallock, while in said service and in the line of his duty, on or about the 15th day of July, 1864, while on the march with his company and regiment, near Edwards Ferry, on the Potomac River, Virginia, from excessive marching, became exhausted and unable to keep up with his command, and while so in the rear was arrested as a straggler, but was never tried or condemned as a deserter, and deponent knows, from the character of the said Theodore F. Hallock for honesty and sobriety and good qualities as a soldier, that he did not desert, and that his absence in the rear when arrested was not willful, but was unavoidable. That said Hallock was afterward badly wounded through the neck.

JACOB ANDREWS,

Late First Sergeant, Company G, Sixty-seventh Pennsylvania Volunteers.

Sworn before me this 20th day of June, A. D. 1876.

PETER GRUVER,
Associate Judge.

STATE OF PENNSYLVANIA, *Monroe County*, ss:

I, Thomas M. McIlhane, prothonotary of the court of common pleas of Monroe County aforesaid, do hereby certify that Hon. Peter Gruver, before whom the within affidavit was taken, was at the time of so doing and now is one of the judges of said court, duly confirmed and qualified. And I further certify that the signatures purporting to be his are genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Stroudsburgh, the 23d day of June, A. D. 1876.

THOS. M. McILHANEY,
Prothonotary.

In view of the foregoing, the committee are led to believe that there was no intention to desert, and, his record being good both before and after this occurrence, they recommend the passage of the accompanying bill.

○

MILITARY BRIDGE ACROSS NORTH PLATTE RIVER AT
FORT LARAMIE.

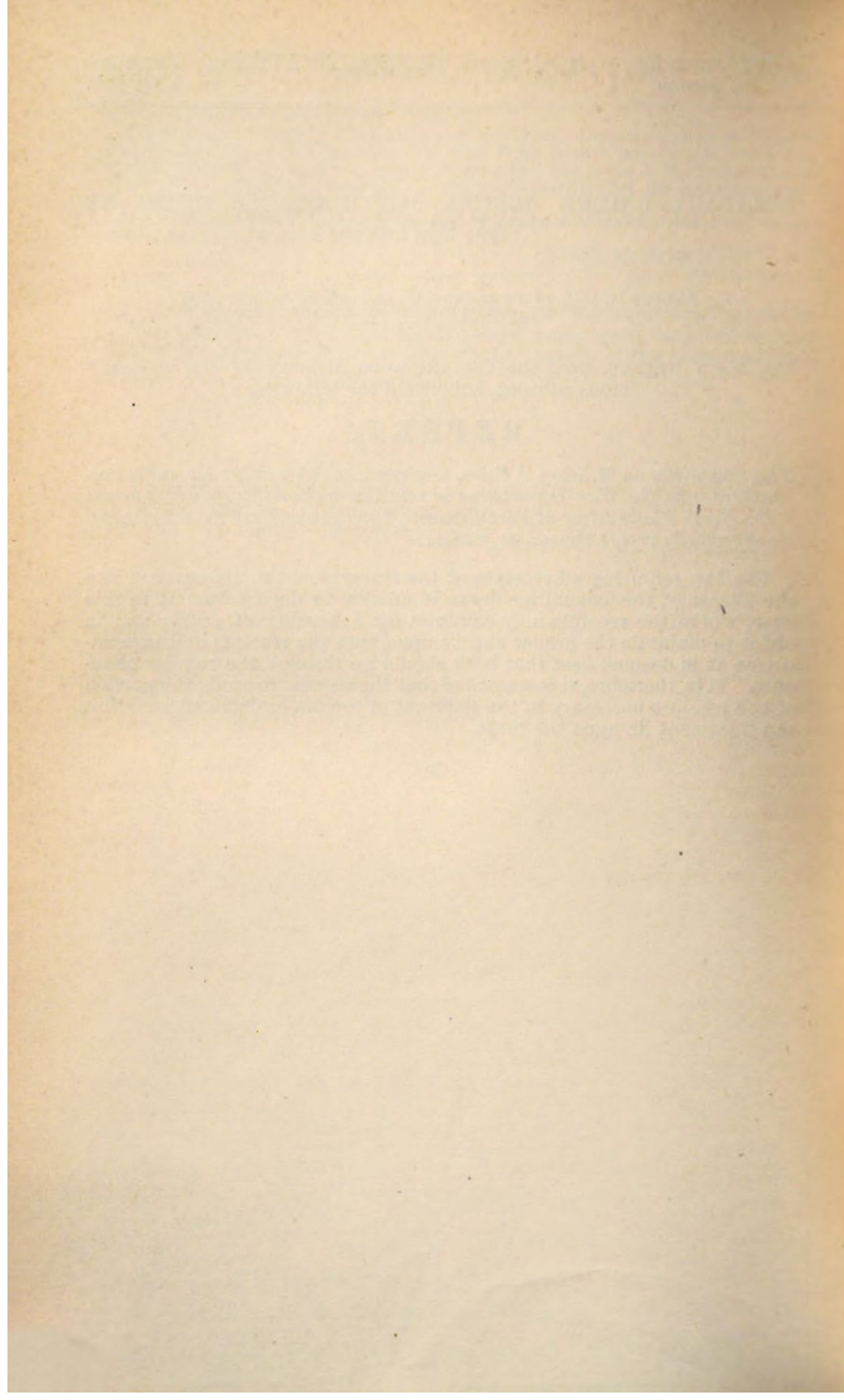
AUGUST 12, 1876.—Laid on the table and ordered to be printed.

Mr. JOHN REILLY, from the Committee on Military Affairs, by unanimous consent, submitted the following

R E P O R T :

The Committee on Military Affairs, to whom was referred the Executive document from the War Department in relation to the military bridge across the North Platte River at Fort Laramie, having considered the same, would respectfully report thereon as follows :

The law requiring all receipts of the Government to be covered into the Treasury, the committee deem it unwise to depart from it in this case, where the receipts may continue for a number of years; and in order to maintain the proper checks upon both the receipts and expenditures, it is deemed best that both should go through the regular channels. It is, therefore, recommended that the request to apply the portion of the receipts necessary to the payment of repairs be declined, and that the document lie upon the table.



ALSTORPHEUS WERNINGER.

AUGUST 12, 1876.—Laid on the table and ordered to be printed.

Mr. JOHN REILLY, from the Committee on Military Affairs, by unanimous consent, submitted the following

R E P O R T:

[To accompany bill S. 443.]

The Committee on Military Affairs, to whom was referred the bill (S. 443) for the relief of Alstorpheus Werninger, late of the Sixth Regiment West Virginia Cavalry Volunteers, having considered the same, would report thereon as follows :

From the records of the War Department it appears that Werninger was sergeant-major of the regiment, and as such was captured by the enemy, July 4, 1864, and held as such until released from parole March 25, 1865, and rejoined his regiment same date. February 1, 1865, he was commissioned second lieutenant, under which he was mustered March 25, 1865, the date of his release from parole. As he could not and did not perform the duties of the office while a paroled prisoner, it seems improper that he should receive the pay, and, in addition to his not having performed the service, it would be a violation of the regulations of the Army, which require that to be mustered it had to appear from record-evidence that he entered upon duty under said commission or appointment.

The committee, therefore, recommend that the bill do not pass and that it lie upon the table.

ALGEBRAIC GEOMETRY

Second Edition, revised and enlarged

By J. E. H. LITTLEWOOD and J. H. LITTLEWOOD

NOTES

by J. E. H. LITTLEWOOD

The following notes are intended to be used in connection with the book. They are written by the author of the book, and are intended to be used in connection with the book.

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DAVID RHEA.

AUGUST 12, 1876.—Laid on the table and ordered to be printed.

Mr. COOK, from the Committee on Military Affairs, by unanimous consent, submitted the following

R E P O R T :

[To accompany bill H. R. 3604.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 3604) for the relief of David Rhea, late second lieutenant First Regiment Tennessee Light Artillery Volunteers, having considered the same, report :

From the records of the War Department, as stated by the Adjutant-General in the documents accompanying this report, marked A and B, and made a part of the report, it appears the military organization mentioned in the bill never had any legal existence; nor is there any evidence of any military service rendered by David Rhea for the period of time specified in the bill. Wherefore the committee recommend that said bill do not pass, and asked to be relieved from the further consideration thereof.

A.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, July 12, 1876.

SIR: I have the honor to acknowledge the receipt of your reference of the 7th instant of bill (H. R. 3604) for the relief of David Rhea, late lieutenant First Regiment Tennessee Light Artillery, and requesting, on behalf of the Committee on Military Affairs, House of Representatives, to be furnished with all the facts relating to his case the records of this office may afford.

The records of this office show that Company F, First Tennessee Light Artillery, referred to in the bill, never had any existence, having failed to complete its organization. The men recruited for the said company were consolidated with Company A, of the same regiment, and David Rhea was mustered in as its second lieutenant to fill an original vacancy.

There is no evidence of any service rendered by Rhea as an officer prior to his muster-in as a second lieutenant.

Your attention is respectfully invited to the accompanying copy of letter from this office to Mr. Rhea, dated April 28, 1873, containing the adverse decision of the Department in his case, given under the provisions of the joint resolution of Congress approved July 11, 1870; said letter fully sets forth the facts in the case, and the reasons for rejecting the same.

The copy of bill is herewith returned.

Your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

Hon. PHILIP COOK, M. C.,
Of Committee on Military Affairs, House of Representatives, Washington, D. C.

B.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 28, 1873.

SIR: Referring to your claim for pay, from October 1, 1863, to March 1, 1864, as second lieutenant First Regiment Tennessee Light Artillery Volunteers, under the "Joint resolution (approved July 11, 1870) amendatory of 'joint resolution for the relief of certain officers of the Army,' approved July 26, 1866," you are respectfully informed that it has been rejected.

Section 3 of said joint resolution is as follows:

"That this resolution shall not be construed to apply to cases in which, under the laws and Army regulations existing at the time, there could have been no lawful muster into service even after the actual receipt of the commission."

"The laws and Army regulations existing at the time," under which "there could have been no lawful muster into service," are, in your case, as follows:

I. The act of Congress approved July 22, 1861, authorizing the employment of volunteers.

That act made binding upon the volunteers the "Rules and Regulations governing the Army of the United States."

II. War Department, General Orders No. 61, of 1861. Under that order no person could be mustered into service as a second lieutenant prior to the completion of the company for which commissioned by its being mustered into the service.

III. War Department, General Orders No. 66, of 1861. That order fixed the day when mustered into the service of the United States as the date of commission in said service, and from which the officer is entitled to pay and *to be respected in his position*.

The official records of this office show that the company (F) with which you claim to have rendered service failed to complete its organization, and the enlisted men were transferred to Company A, which latter company was completed and mustered into service March 8, 1864. Your muster-in as second lieutenant Company A, (March 1, 1864,) was, therefore, irregular and unauthorized, and instead of pay being due, you are indebted to the Government for the amount of pay and allowances received by you as second lieutenant prior to March 8, 1864, which should be immediately refunded to the Pay Department.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

To Mr. DAVID RHEA,

Late Lieutenant First Tennessee Light Artillery,

(Through Second Auditor Treasury Department, Washington, D. C.)

Official copy.

THOMAS M. VINCENT,
Assistant Adjutant-General.

SETTLEMENT WITH CERTAIN RAILROAD COMPANIES.

AUGUST 12, 1876.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. COOK, from the Committee on Military Affairs, by unanimous consent, submitted the following

R E P O R T :

[To accompany bill H. R. 4092.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 3362) entitled "A bill to provide for the settlement with certain railway companies," have had the same under consideration, and beg leave to make the following report thereon :

That at the close of the late war the United States Government was in possession of a large amount of rolling-stock and other railway material amounting in value to upward of \$7,000,000, which had accumulated for use in the operation of the military railroads of the South. A large proportion of this property had accumulated by capture from the railroads within the lines of the enemy, and a vast quantity of it was much worn and depreciated. The rolling-stock was adapted to use only on railroads in the South, because of the gauge of those roads being different from that of the roads at the North. The railroads of the Southern States were at this time in great need of rolling-stock and railway supplies with which to commence business again and were compelled to purchase on credit. The Secretary of War, by order of October 14, 1865, authorized the sale on credit of such portions of this property as the various roads of the South desired, the said property being first appraised by persons selected by the Government. Many of the railroad companies of the South purchased largely under this order of the Secretary of War, but shortly after so doing many of them declined to pay for the same on account of overappraisement.

Some of the roads incurring the largest indebtedness failing to pay, the Government instituted suit to enforce collection, but was unsuccessful. Finally the roads against which suit had been brought sought and obtained relief from Congress, under an act entitled "An act to provide for the collection of debts due from southern railroad corporations, and for other purposes," approved March 3, 1871, under which the following railroad companies only were entitled to relief, viz :

The Nashville and Chattanooga.

The East Tennessee, Virginia and Georgia.

The Nashville and Decatur, having an aggregate debt of \$2,669,470.60, which was re-adjusted and settled under said act for the sum of \$1,434,470.60, or a deduction of nearly *fifty per cent.*

Shortly after the passage of said act, all the remaining railroad com-

panies that had made similar purchases, and had not fully paid the same, claimed they were entitled to the same consideration as the Tennessee roads named, and therefore sought and obtained relief in the act of Congress entitled "An act to provide for settlement with certain railway companies," approved February 27, 1875.

Under the last-named act, the Secretary of War and Attorney-General were jointly authorized to re-adjust the accounts under such purchases, and to allow such abatement as they should find in respect of an overvaluation of such property sold to said railroad companies, not to exceed *twenty-five* per cent. of the first valuation.

In pursuance of said act the Secretary of War and Attorney-General found as follows :

The board, after full consideration of the subject in all its bearings, thinks that the valuation of the property was intended, and was considered at the time by those who made it, to be a fair valuation; yet, if measured by the value of the property, had it been sold for cash at the time, the board is brought to the conclusion, and reports as its opinion, that there was an overvaluation of at least 25 per cent. in the appraised prices.

When the act of 1871 was pending in Congress, the whole subject of the transfer of this property to the various railroad corporations was fully considered by the Judiciary Committee of the House of Representatives, 2d session 41st Congress, and in a unanimous report (No. 78) made by the Hon. B. F. Butler, for said committee, attention is called to the following extract, relating to the circumstances under which the transfer was made, and showing that the said railroad companies had good reason to believe that they would never be called upon to pay for this property. The report speaks as follows :

If an officer of the Government, at the time he was executing the bonds, made the explanations and held the views which seem to have possessed General Meigs—and, as he says, he did not refrain from frankly expressing such views, talking with the officers of the roads—it may well be imagined that the companies might have taken property, rolling and other stock, at a valuation much enhanced from the actual price, and that the appraisers might have been quite careless in the valuation affixed to property, they being officers of the Government, when their chief believed that the property never was to be paid for, and the presidents of the roads, in signing the bonds, believed they would never be exacted.

This subject was again under consideration by the Judiciary Committee of the House during the 1st session of the 43d Congress, and, after a careful investigation, they reported a bill, which subsequently became a law—on the 27th day of February, 1875—heretofore referred to.

Reference is made to the following extract from said report, which was submitted in behalf of the committee by the Hon. William P. Frye, as follows :

The valuation was hastily made. Neither these companies nor the receiver of the State had any selection or voice in the appointment of the appraisers, and they were *practically compelled* to take the property at the appraisal.

Besides, from the testimony of General Meigs and certain officers of these roads, found in the House report No. 34, of the Thirty-ninth Congress, it may be reasonably assumed that some carelessness may have entered into this appraisement; that there may be some foundation for the belief, *generally entertained*, that these bonds never would be collected. This belief may have entered largely into the transaction, and may have induced the directors of the several roads to vote for the purchase. Your committee therefore recommend another appraisal. (Report No. 100.)

Under the acts of 1871 and 1875, all the railroad companies that failed to pay for the property taken under the Government appraisal, have obtained relief, in respect of an overvaluation of the same, of about 50 per cent. deduction under the act of 1871, and 25 per cent. under the act of 1875. It must be conceded that after so formal an action on this

subject-matter as the passage of two separate acts of Congress, and the report of the Secretary of War and Attorney-General, declaring there was an overvaluation of said property, and making large deductions in consequence of such overvaluation, there should be, it would seem, no objection to the passage of this bill, the object of which is to extend authority to the Secretary of War to examine and to allow to such railroad companies as paid their debts before the passage of the said act of 1875, and therefore have obtained no deduction, a deduction of not more than 25 per cent. in respect of the overvaluation of the property purchased of the Government. The railroad companies seeking relief under this bill are, in all respects, situated in respect to the purchase of said property similarly to the roads which obtained relief under the said acts of 1871 and 1875. Your committee, therefore, recommend the passage of said bill as amended.

○

MARY MOORE.

AUGUST 12, 1876.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. JOHN C. BAGBY, from the Committee on Invalid Pensions, by unanimous consent submitted the following

REPORT:

[To accompany bill H. R. 4094.]

The Committee on Invalid Pensions, to whom was referred the petition of Mary Moore, praying for a widow's pension, having considered the same, submit the following report :

That the petitioner is the widow of Patrick Moore, formerly a private in Company E, Sixty-ninth Regiment New York Volunteers. That the said Patrick Moore, from the evidence, appears to have been an able-bodied, healthy man at the time of his enlistment, and served faithfully until the seven-days' action before Richmond in 1862. On the 27th of June of that year, and while those battles were in progress, he was missed from his regiment, and, as it appears from the records, was taken a prisoner by the Confederate forces, and until the prisoner's war records show him to have been paroled at Aiken's Landing, September 13, 14, and 15, 1862. The records also show him a paroled prisoner at Camp Banks, Virginia, November 17, 1862. On his company-rolls, however, his name appears under the head of deserted, with the remark "absent since the 27th of June," and the roll of April 10, 1863, reports him discharged December 1, 1862, by order of General Martindale, for disability. The medical record shows that he was discharged on account of incipient cataract, and was treated for rheumatism. Subsequent testimony shows that he died of consumption, which disease was contracted while exposed to the privations and exposures of a prisoner. The charge of desertion prevents any favorable action on the claim for pension by the Commissioner of Pensions. Captain Benson, who commanded Moore's company, and Second Lieutenant Peter Conlin, of the same company, both testify that from the knowledge they had of Moore they do not believe he deserted, but that he was captured; that if he had wanted to shirk military duty he had every opportunity before that time to be detailed as an artisan, but that he always preferred to remain with his company. The Adjutant-General, upon receiving their evidence in behalf of Moore, refused to credit them because Captain Benson was afterward dismissed the service, and Lieutenant Conlin can only swear that he heard of Moore's capture, but did not know of it personally. He avers, however, (the lieutenant,) that he does not believe that Moore deserted. The testimony of this one officer, which is unchallenged, is not sufficient under the rules of the Pension-Office to decide the claim,

and the petitioner in consequence of her inability to get the testimony of an eye-witness appeals to Congress for relief.

It would only seem reasonable on the face of the evidence to suppose that if Moore really deserted he would not have turned up a suffering and debilitated prisoner of war, nor would he have wanted to be returned publicly with the other prisoners, giving his right name and the correct number of his regiment, with the danger of incurring the penalty of a deserter. The testimony of his character is also against the theory of desertion, and, as Lieutenant Conlin avers in his evidence, the time when Moore was missed was one when many men dropped by the way by reason of fatigue, and were captured by the enemy; that in the confusion which subsequently occurred, and through ignorance, Moore was classed as a deserter unjustly and without cause.

After perusing all the evidence, your committee feel that the petitioner has a just claim for pension, and report the accompanying bill, with a recommendation that it be passed.

○

MARY A. SECOR.

AUGUST 12, 1876.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. BAGBY, from the Committee on Invalid Pensions, by unanimous consent, submitted the following

R E P O R T:

[To accompany bill H. R. 1419.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1419) granting a pension to Mary A. Secor, having considered the same, submit the following report:

That from the evidence produced it appears that Mary A. Secor is the widow of Walter E. Secor, formerly a private in Company B, One hundred and fifty-first New York Volunteers; that the said Walter was captured during the late war, and for quite a period was a prisoner of war, and when paroled, besides suffering from chronic diarrhœa and rheumatism, he had at times been afflicted with temporary insanity, which disease continued after his discharge from the United States service, and during one of these attacks he hung himself. It is claimed and supported by medical and other testimony that his insanity was caused by long imprisonment and the hardships and deprivations incident thereto, which affected his mind. The Commissioner of Pensions rejected the claim because he was not fully satisfied "that the cause of the soldier's death was due to his military service."

In the judgment of the committee, the great bulk of the evidence supports the claim, and they therefore recommend the passage of the bill.

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EMMA M. ASHENFELTER.

AUGUST 12, 1876.—Laid on the table and ordered to be printed.

Mr. JOHN C. BAGBY, from the Committee on Invalid Pensions, by unanimous consent, submitted the following

REPORT:

[To accompany bill H. R. 2516.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2516) granting arrears of pension to Emma M. Ashenfelter, widow of Benjamin F. Ashenfelter, late captain Company A, Two hundred and first Pennsylvania Volunteers, have had the same under consideration, and ask leave to submit the following report:

This application is for arrears of pension only, and will be fully provided for by the provisions of the bill now pending before the House for a general law in all cases of arrears.

The committee, believing that all such cases should be provided for by general law, and that every special act would in some degree hinder and delay the passage of the general law, unanimously agree to report back said bill, and recommend that the same be laid on the table.

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CONDEMNED BRASS ORDNANCE TO POST ELLIS, GRAND
ARMY OF THE REPUBLIC, NEWBURGH, N. Y.

AUGUST 12, 1876.—Laid on the table and ordered to be printed.

Mr. JOHN REILLY, from the Committee on Military Affairs, by unanimous consent, submitted the following

REPORT:

[To accompany bill H. R. 1831.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1831) granting condemned ordnance for the erection of a monument to the memory of the soldiers and sailors of Orange County, New York, who fell during the late war, having considered the same, would respectfully report thereon as follows:

The bill authorizes the Secretary of War to deliver to "Post Ellis, Grand Army of the Republic," at Newburgh, Orange County, New York, one hundred tons of condemned brass ordnance. This seems not a very large matter in the figures as given by the bill, but when put into the figures giving the value of the material donated, it is, as will be perceived, a very large donation. Thus, one hundred tons make two hundred and twenty-four thousand pounds of brass, the value of which is set by the Chief of Ordnance at twenty-five cents per pound, which gives a value of \$56,000, which is a very large sum to donate to a single county. When so many monuments are being built in the various counties throughout the country, it would be unjust to the many to allow a few large donations (such as is proposed in this bill) to absorb all the condemned ordnance that might be available for such purposes. Donations for such purposes have been granted heretofore to the value of about \$150,000; the bills before the present Congress will amount to about \$75,000. Without passing upon the propriety of the Government making subscriptions to the very laudable efforts of its citizens to erect monuments to its fallen heroes, your committee cannot recommend the passage of this bill, but, decide against it, more for the reason of the large donation asked for than any other. They therefore recommend that it do not pass, and that it lie upon the table, and that the committee be discharged from its further consideration.

COMMISSIONERS OF THE LAND OFFICE
REPORT

Presented to the House of Representatives at the first session of the 44th Congress, in 1876.

WILLIAM L. GAY, Chairman of the Committee on the Land Office,
and JOHN H. HARRIS, Secretary of the Committee, submitted the following

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE, IN RESPONSE TO A RESOLUTION OF THE HOUSE OF REPRESENTATIVES, PASSED MAY 12, 1875, RELATIVE TO THE LANDS BELONGING TO THE UNITED STATES, AND TO THE PROCEEDINGS OF THE COMMISSIONERS OF THE LAND OFFICE, DURING THE YEAR 1875.

The bill introduced in the House of Representatives on May 12, 1875, and passed on May 12, 1875, relative to the lands belonging to the United States, and to the proceedings of the Commissioners of the Land Office, during the year 1875, has been referred to the Committee on the Land Office, and the same has been read twice, and the report of the Commissioners of the Land Office, in response to a resolution of the House of Representatives, passed May 12, 1875, relative to the lands belonging to the United States, and to the proceedings of the Commissioners of the Land Office, during the year 1875, is hereby submitted.

DANIEL W. PERKINS.

AUGUST 12, 1876.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. LAWRENCE, from the Committee on the Judiciary, by unanimous consent, submitted the following

REPORT :

[To accompany bill H. R. 4035.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 2230) for the relief of Daniel W. Perkins, have considered the same, and report :

The bill is for the relief of Daniel W. Perkins, of East Saginaw, Mich., who was appointed a substitute attorney under section 14 of the act of Congress of August 16, 1856, and acted as district attorney in cases before United States commissioners in Saginaw County, in said State. His claim is for services rendered from October 1, 1871, to April, 1875. He allowed the matter of his compensation to run along from year to year, continuing his services without presenting his account quarterly or annually, as he should have done. Finally, when he made out his bill for services against the Government, and presented it to the district attorney for certification, he was told that the appropriations for the respective years had been exhausted or covered into the Treasury, and it could not be paid except by presentation to Congress. The act referred to authorizes the appointment of substitute attorneys who are to receive the same fees as the district attorney. This law continued in force up to 1874, when the Revised Statutes were adopted, at which time this provision seems to have been dropped, but the omission was not discovered by the authorities in the Department until July, 1875, and notice was not given until August following. The claimant furnished the committee a statement of his account, which is hereto appended as a part of this report, which account has been certified to by the commissioners before whom the cases were pending when the services were performed; also, the certificate of the First Comptroller of the Treasury, showing that the charges correspond with the cases reported, and that the claimant, nor any one else, has ever been paid for the services rendered. The certificate of the district attorney is also hereto appended, showing that he appointed Mr. Perkins as such substitute, and that he rendered said services for several years. The committee are of the opinion that the claimant should be paid for his services, and for that purpose report a substitute for the bill, with the recommendation that it be passed.

APPENDIX.

The petitioner furnishes a list of the cases in which he appeared as counsel, with his fees, amounting in all to \$1,090, and appended to it are the following certificates, to wit:

UNITED STATES OF AMERICA, *Washington, D. C. :*

I, James R. Cook, late United States commissioner for the eastern district of Michigan, do hereby certify that the dates stated in the foregoing cases as examinations had before me, are correct and true; showing the time occupied in such examinations. That Daniel W. Perkins was the attorney and the only attorney who appeared for the United States Government and conducted such examinations.

JAS. R. COOK,
Late United States Commissioner, Eastern District of Michigan.

TREASURY DEPARTMENT,
First Comptroller's Office, July 10, 1876.

The records and files of this Department show that examinations were had in the cases specified in the foregoing statement of D. W. Perkins, substituted United States attorney, at the times and before the commissioners therein mentioned; and that no allowance or payment for services of the United States attorney in said cases have been made to the said attorney or his substitute, D. W. Perkins.

R. W. TAYLER,
Comptroller.

United States district attorney's office for eastern district of Michigan.

I, A. B. Maynard, United States district attorney for eastern district of Michigan, do hereby certify that D. W. Perkins, of East Saginaw, Mich., has been my deputy at that place for a number of years; that none of the services of the said Perkins were ever audited with my services in any cases in which said Perkins appeared; that I have never been allowed or paid for any services which said Perkins has performed as such deputy district attorney; that all the pay which said Perkins has received for his services as such deputy district attorney has been allowed and audited by the First Auditor of the Treasury; and that the said Perkins should receive pay for such services as he has performed which do not appear to have been audited by the said First Auditor; that the certificate of the United States commissioner, before whom said Perkins performed said services will show what these services were; that I have been personally acquainted with Mr. D. W. Perkins for many years, and know him to be reliable and trustworthy; and that he would not present any account for services which was not correct and true; that I personally know that he has not been paid for a number of years, but I cannot give the exact date; that the fact of his not being paid grew out of the fact of Mr. Perkins not presenting his account till after estimates for the years had been exhausted or closed.

Dated June 24, 1876.

A. B. MAYNARD,
United States District Attorney for the Eastern District of Michigan.

TREASURY DEPARTMENT,
FIRST COMPTROLLER'S OFFICE,
Washington, D. C., June 5, 1876.

SIR: Your letter of the 3d instant to the First Auditor, relative to a claim of Daniel W. Perkins, has been referred to this office.

By section 14, act of August 16, 1856, district attorneys were authorized to employ substitutes, who were to receive the same fees as the district attorneys for like services. Mr. Perkins was so employed and so paid. His last account settled at this Department embraced services to the 30th September, 1871.

In the revision of the statutes of the United States, the authority to employ substitutes was dropped.

It appears from the district attorney's statement that Mr. Perkins continued to act until April, 1875. I therefore presume that his claim is for compensation as substi-

tute attorney from October 1, 1871, to April, 1875, which cannot be paid at the Treasury for want of authority.

His account has probably been rendered to the Department of Justice, where it would properly go if it could be allowed.

The papers are herewith returned.

Very respectfully,

R. W. TAYLER,
Comptroller.

Hon. N. B. BRADLEY,
House of Representatives.

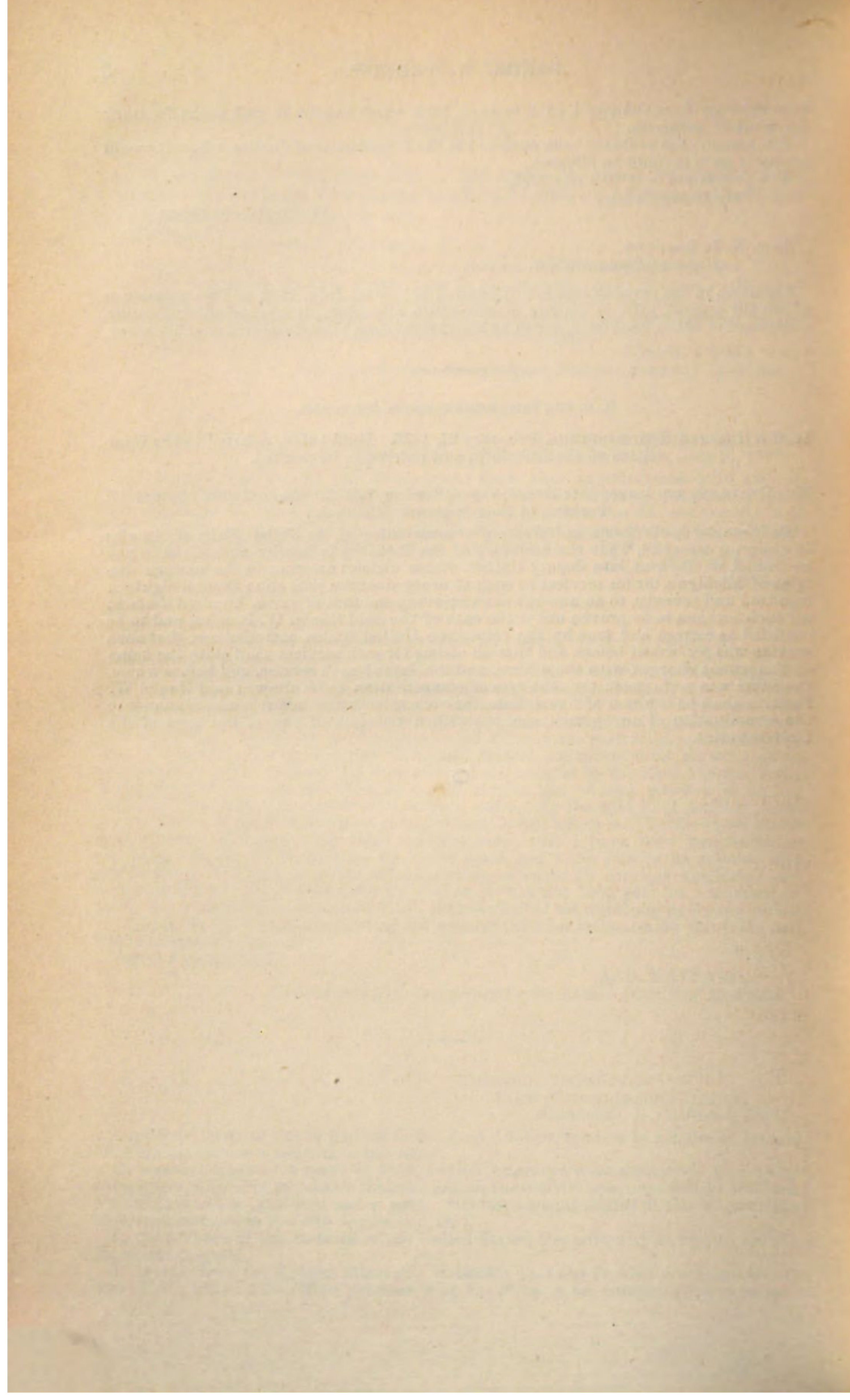
Omission in the revision was not discovered till about July, 1875, and no notice was given till August, 1875, to district or substitute attorneys. They, including Perkins, continued to act in good faith, as can be ascertained from First Comptroller of Treasury.

H. R. 2230, Forty-fourth Congress, first session.

In the House of Representative, February 21, 1876. Read twice, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BRADLEY, on leave, introduced the following bill for the relief of Daniel W. Perkins, of East Saginaw, Michigan :

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to pay to Daniel W. Perkins, late deputy United States district attorney in the eastern district of Michigan, for his services as such attorney since the year anno Domini eighteen hundred and seventy, to an amount not exceeding the sum of seven hundred dollars; all such services to be proven under the oath of the said Daniel W. Perkins, and to be certified as correct and true by the respective United States commissioner that such service was performed before, and that all claims for such services shall state the name of the person charged with the offense, and the date of such service, and before whom the same was performed; that the rate of compensation to be allowed said Daniel W. Perkins shall be the sum of five dollars for each attendance before a commissioner in the examination of any person charged with a violation of any of the laws of the United States.



PETITION OF CATHARINE H. GALLAGHER, PRAYING FOR
AN INCREASE OF PENSION.

AUGUST 15, 1876.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. RICE, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

[To accompany bill H. R. 4109.]

The Committee on Invalid Pensions, to whom was referred the petition of Catharine H. Gallagher, widow of Captain John Gallagher, late of the United States Navy, praying for an increase of pension, have had the same under consideration, and ask leave to submit the following report :

Catharine H. Gallagher is the widow of the late Commodore John Gallagher, of whose distinguished naval services for thirty years, from 1812 to 1842, the time of his death, there is no dispute. He entered the service in 1812 as sailing-master, and was soon promoted to a lieutenantcy. He served on the frigate *United States*, commanded by Decatur, when the British frigate *Guerriere* was captured, which prize was so disabled that Decatur proposed to sink her. At the earnest solicitation of Lieutenant Gallagher, and by his efforts with a crew of fifty men, the *Guerriere* was saved and carried into New York. He continued in active service, at times distinguishing himself, until 1842, when he died, having contracted the disease from which he died in the service and in the line of duty. He reached the grade of captain in the Navy, then the highest.

Captain Gallagher was one of those officers who contributed one-half of their prize money to form a pension-fund, now in the hands of the Government, which has accumulated from the energy and gallantry of our Navy till it amounts to many millions of dollars, and is devoted exclusively to paying Navy pensioners.

The applicant for increase of pension, Catharine H. Gallagher, was formerly in the receipt of a pension of \$50 per month from the time of her husband's death, in 1842, up to January 1, 1869, when she was reduced to \$30 per month by the construction of section 4712 of the Revised Statutes, passed in 1866. She now prays to be restored to the original pension of \$50 per month. She is now in her seventy-fourth year, and is almost entirely dependent on her pension for support. There are but very few similar cases in the United States, and it was probably not the intention of the law to reduce their rate of pension. She can be restored to her former pension only by special act.

In view of the distinguished services, and the extended time of the same, of her late husband; in view also of his ability and rank, and in consideration of the applicant's advanced age and her infirm and needy condition, your committee would report in favor of the restoration of her pension to \$50 per month, and recommend the passage of the accompanying bill.

O

JULIA WATKINS.

AUGUST 15, 1876.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. RICE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4110.]

The Committee on Invalid Pensions, to whom was referred the petition to grant a pension to the widow and minor child of Thomas H. Watkins, report as follows:

That at the commencement of the rebellion Thomas H. Watkins, of Anne Arundel County, State of Maryland, became at once an active supporter of the Union, when so to declare himself was to be visited by the obloquy and contempt of a large majority of his friends and associates in the county. That at the summons of 1861 he tendered his services to the United States Government, and was at once employed in recruiting service until the 16th of December of that year, when he was commissioned captain of cavalry, Company B, Purnell Legion, Maryland Volunteers. He immediately entered upon active duty, and on the 18th of August, 1864, as per report of Adjutant-General Townsend, was wounded in action near Weldon Railroad, Virginia.

That after his recovery from said wound he was placed under the command of E. B. Tyler, brigadier-general of United States volunteers, and in the month of December, 1864, was ordered by said Tyler to arrest certain returned confederate soldiers, among whom was one John H. Boyle. In pursuance to said order he did arrest said John H. Boyle, who was a rebel soldier, and in so doing received a wound in the head from which he never recovered, and which was the cause of his being compelled to leave the United States Army, in December, 1864. That at the time of his arrest said Boyle swore that he, if he ever escaped, would kill Captain Watkins. That said Boyle did escape, and made frequent threats that he would kill him, Watkins, at the earliest opportunity. That in pursuance of said threats, about 8 o'clock in the evening, on Saturday, the 25th day of March, A. D. 1865, while Captain Watkins was quietly sitting in his own house, in Anne Arundel County, State of Maryland, and enjoying peace and comfort in the midst of his family, the said John H. Boyle stealthily approached, and knocking at the front door, it was opened by Captain Watkins, whereupon the said Boyle drew a revolver, and, without giving any warning, chance, or show for life, foully and brutally shot down and murdered in cold blood the said Captain Watkins, in revenge for his arrest by Watkins in the discharge of his duty as an officer of the Army of the United States.

By this terrible and shocking fate of the husband and father, his widow and orphan were left helpless, unprotected, and almost penniless. That said Boyle was indicted for the murder of Watkins, but before the trial came on, he was convicted and sent to the penitentiary for horse-stealing.

The death of Capt. Thomas H. Watkins having thus resulted from an act performed in the line of his duty while an officer of the Army of the United States, the committee do hereby recommend the passage of an act of relief for his widow, Julia Watkins, and his minor child Margaret.



GUSTINE DORRIS.

AUGUST 15, 1876.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. RICE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4111.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2426) granting a pension to Gustine Dorris, mother of August Dorris, late private Battery L, First Ohio Light Artillery, after a careful examination of the case, would make the following report:

August Dorris entered the service of the United States November 20, 1861, for three years. He was a good and efficient soldier, prompt and willing for duty. He was honorably discharged May 19, 1865. He was taken prisoner of war at Fisher Hill, Virginia, October 8, 1864, within a few weeks of the expiration of his term of service, and was paroled at Aiken's Landing February 5, 1865. It is in evidence that he was in full health at the time he entered the service of the United States, and also at the time he was taken prisoner. It is also shown that, from exposure and other causes incident to prison life, his health became seriously impaired, and at the time of his parole in February, 1865, and return to his regiment, he was sent to hospital with enlargement of liver, caused by his sickness and impaired health induced by prison life. After his discharge in May, 1865, it is conclusively shown that his health gradually grew worse and worse till he died, November 13, 1868. The applicant, Gustine Dorris, mother of the deceased soldier, is an old lady, over seventy-two years of age, a widow, infirm and needy, without means of support, and with no near relatives to help her. Her husband died before the war. Her eldest son killed in battle during the war; this son died from disease contracted while a prisoner of war, and her only surviving son a dependent cripple. Her case was rejected by the Pension Bureau because the soldier, her son August Dorris, was not in the line of duty when he was taken prisoner. The circumstances of his capture, as shown by his captain, Gibbs, commanding Battery L, First Ohio Light Artillery, and Sergeant Butterfield of the same command, are as follows: When the battery to which soldier belonged was falling back from Harrisonburgh, Va., it halted at Fisher Hill, Virginia, to take rest and rations; the only provisions the soldiers then had were hard bread, salt pork, sugar, and coffee. The Army had been in active duty for some days, and constantly on the move, during which time it was the custom to forage upon the country for fresh meat and vegetables; that at this time the sergeant, Butterfield, loaned his horse to soldier to go on this foraging expedition, with a squad of men, to a farm

near by to get vegetables, when he was captured by the enemy, as reported by his comrades. These officers testify that there were no orders against foraging, and the supplies taken were used by officers and privates alike; that it was the custom and usage of this part of the Army to forage upon the country, which was well known to the officers in command, yet there were no specific orders on the subject.

From the facts, as above adduced, the soldier when taken prisoner was certainly violating no order of his command, but acting as was the custom and usage of that part of the Army at that time; and that he had the authority and sanction of his officers is evident from the fact that his sergeant, Butterfield, loaned the soldier his horse for the purpose of foraging. The committee cannot think the soldier far out of the line of duty at the time, under the circumstances; and, in view of the needy and dependent situation of the applicant, would make a favorable recommendation, and report back a bill granting a pension to Gustine Dorris, as a substitute for House bill 2426.

GEORGE C. ELLISON.

AUGUST 15, 1876.—Laid on the table and ordered to be printed.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, by unanimous consent, submitted the following

REPORT:

SIR: The subcommittee, to which was referred House resolution directing an inquiry as to the moral character of George C. Ellison, engineer of the House of Representatives, and also as to his fitness and professional qualifications to discharge the duties of that position, beg leave respectfully to report:

That very soon after our appointment we met together as a committee, and entered upon the discharge of the duties assigned us.

The first witness we caused to come before us was Hon. J. D. White, of Kentucky, who offered the resolution of inquiry. We informed this gentleman that the most rigid and impartial investigation would be made of the matters referred to the committee, and requested him not only to disclose all the facts within his knowledge, but to give us the names of any and all witnesses whom he desired to have summoned.

In his own examination he testified that he had no personal knowledge whatever touching the integrity of Mr. Ellison, or of his qualifications to discharge the duties of engineer, and that all the information he had of any kind upon the subject was derived from the gossip of the Capitol and one or two paragraphs which had appeared in a Washington newspaper, reflecting upon Mr. Ellison and the influences which it was alleged were brought to bear in securing from Hon. George M. Adams, Clerk of the House of Representatives, his appointment as engineer.

At the instance of Mr. White, and of the committee's own motion, a number of other witnesses were brought before us and gave their testimony, among whom was Capt. W. W. W. Wood, chief of steam-engineers in the Navy Department.

This gentleman is evidently an educated and accomplished officer, and has long been in the employ of the Government.

In his testimony he said, substantially, that some time after the meeting of the present Congress he was requested by Hon. George M. Adams to examine a number of applicants for the position of engineer of the House, among whom was Mr. Ellison, and that after a rigid examination he proved himself by far the best educated engineer of any that presented themselves for examination, and that he was eminently fitted in every way to discharge efficiently the duties of the position he holds. At the request of some of the committee, he went with Mr. Ellison into the engine-room, and subjected him to a thorough practical examina-

tion, and upon his return before us stated that he had caused him to put the engines at work, and explain each and every part of the machinery connected with them, and that the result of this last examination confirmed the opinion of Mr. Ellison's competency, which he had formed from the first one, satisfying him beyond doubt that no better or more accomplished engineer could have been selected by the Clerk of the House.

Mr. G. A. Ryan, a practical engineer of high standing and long experience, also testified in the clearest and most unequivocal terms to the competency and fitness of Mr. Ellison for the position of engineer. The high standing of these witnesses in their profession, and their unqualified indorsement of the engineer, had great weight with the committee in arriving at a conclusion upon this branch of the investigation.

There were a number of other witnesses brought before the committee (at the instance of Hon. J. D. White and others) and examined in reference to the moral character of Mr. Ellison; but no one of them knew of any fact reflecting in the slightest degree upon his integrity or fitness for official position, except what was derived from mere rumors, which could be traced to no reliable source, and conjectures, which were wholly unfounded.

The testimony is so voluminous, and for the most part so trifling and irrelevant, that the committee does not deem it proper or necessary to incur the expense of printing it; they therefore recommend that it be laid upon the table.

We think it just to Mr. Ellison to say that he invited the fullest and most thorough investigation of the entire matter, and that not a single one of the witnesses who testified was summoned by him or at his instance.

Giving due weight to all the evidence in the case, the committee are of the opinion, and so report, that he is both professionally and morally fitted for the proper, faithful, and efficient discharge of all the duties of the office which he holds.

And the committee would further report that no evidence whatever was adduced before them to show that the Clerk of the House was actuated by any improper influence in appointing Mr. Ellison or any of his subordinates to office.

Respectfully submitted.

CASEY YOUNG,
Chairman Subcommittee.

HON. W. S. HOLMAN,
Chairman Committee on Public Buildings and Grounds.

TESTIMONY.

WASHINGTON, D. C., May 18, 1876.

JOHN D. WHITE sworn and examined.

By Mr. YOUNG:

Question. Have you any facts or information in your possession that you can communicate to the committee in reference to the mental or moral qualifications of George C. Ellison, the engineer of the House of Representatives?—Answer. I know nothing personally any more than all the members, perhaps, of the committee already know. Everything I know about the matter is hearsay, except as we all know the bad air that we have had to endure in the hall. I never knew Mr. Ellison before he came here, and never saw him before.

Q. Do you know James McGlensey?—A. I do not know that I do. A letter was put into my hands, however, by a gentleman, which letter purported to be a copy of a letter written by Mr. McGlensey to Colonel Alexander, and I sent a page down to Mr. McGlensey, in the

engine-room, asking him to come to the door of the House, which he did. I read to him a few lines of the letter, and asked him if he wrote the letter. I would have read the whole letter to him if necessary. He admitted that he wrote the letter. I only had occasion to read a few lines of it. He recognized it as soon as I had read him those lines, and said that it was his letter, but that it had not been intended to be made public, or something of that kind, but said he would not go back on anything he had said.

Q. I will read to you the resolution of the House bearing on this subject, adopted on the 26th of April, 1876:

"*Resolved*, That the Committee on Reform in the Civil Service be directed to inquire into and report, by resolution or otherwise, upon the following: Whether the charges made against George C. Ellison, engineer of this House, by James McGlensey, were hushed up in consideration of said McGlensey's appointment to the position of assistant engineer of this House, the position which he now holds; second, whether the charges herein related against the engineer of this House be true, and, if true, whether George C. Ellison is a man of such mental and moral fitness as will warrant his retention in office."

Can you give the committee the names of any witnesses that would be likely to give them information upon subjects contemplated in that resolution?—A. I should suggest to the committee that Mr. McGlensey be called, and Mr. Ellison. I should think that they could tell more about this matter than I can. So far as the qualifications of Mr. Ellison for running the engine are concerned, I would suggest that the committee call Mr. Jones, who was assistant engineer, as I understand, and went with Mr. Ellison to Mr. Gray's machine-shop, to instruct him in regard to certain parts of the machine. Mr. Jones can tell you, perhaps, all that I have heard about it; and it would be more valuable from him, as being evidence from first hands. Mine would be only hearsay. I would also suggest that Mr. Wood, who examined Mr. Ellison, be called.

The CHAIRMAN. We have summoned all these parties.

By Mr. PLAISTED:

Q. Does Mr. Sherman know anything about it?—A. I do not know that he does. He has told me some things that I have heard from other parties. I do not know whether he knows anything of his personal knowledge or not.

By Mr. HARRISON:

Q. Who is Mr. Sherman?—A. He was an assistant engineer, as I understand, in the House. I believe Mr. Sherman told me that he was satisfied that Mr. Ellison was not a competent person for the place. He, however, paid a very high compliment to the man that took his (Sherman's) position. Sherman was assistant, and some other man down there had been appointed in Mr. Sherman's place. He said he thought that the person who was appointed in his place was a very competent person, but that Mr. Ellison was very incompetent. He can give you the grounds for that opinion. I would suggest that Mr. Clark also be subpoenaed.

WILLIAM W. W. WOOD sworn and examined.

By Mr. YOUNG:

Question. Where do you reside?—Answer. At 1307 K street west, District of Columbia.

Q. What is your profession?—A. I am an engineer-in-chief of the Navy.

Q. Do you know George Ellison?—A. Yes, sir; I do.

Q. What, if anything, do you know touching his qualifications as an engineer?—A. Sometime since I received a letter from Mr. Adams, the Clerk of the House of Representatives, asking whether or not I would be willing to examine certain candidates as to their qualifications to take charge of the heating and ventilating apparatus of the House of Representatives, and stating that there were a number of applicants; and, I think, he said that he desired to appoint none except those who were best qualified. My duties were very arduous, and I took the letter to the Secretary of the Navy, and showed it to him, and he said he had no objection; and I returned reply to Mr. Adams, that I would be willing to examine a limited number of candidates, and that they might call between the hours of 11 and 3 at my office, commencing on a certain day. Mr. Adams then sent me a list of the gentlemen who presented themselves; and I had prepared, in the mean time, a series of questions, and as the candidates presented themselves, I would write in pencil the question, and would hand them the paper. The examination was a written one. They would write their replies under my question. The examination was, I may say, a rigid one. I have the examination papers if you would like to see them. After the examination was concluded, I submitted the papers to three experts in my office, engineers in the Navy, and each of them marked the reply from one to four upon each paper, as we do at the Naval Academy. I took the average of each one, and added them together, and then took the average down. The whole average of the individual averages was marked upon the papers, and they were presented in the order of their qualifications to Mr. Adams. That is all I

know about it. So far as this gentleman's qualifications are concerned, he certainly passed the best examination, and the character of the examination can be best determined by the committee seeing the questions propounded to the parties. It was an examination not only eliciting the practical knowledge simply necessary to run the engines and take care of the boilers and apparatus, but it involved the theory of ventilation to a certain extent, and was about such an examination as I should have given an officer in the service for similar duty.

Q. Then, in your judgment, is Mr. Ellison competent to discharge the duties of this position?—A. Undoubtedly; and for the reason I now remember, that in the first question I asked him how long he had worked at the business. I think he told me some three years, and that he had conducted the business for a long time of warming, heating, and ventilating buildings in New York. All that can be fully appreciated, so far as my judgment was formed, by the character of the questions and the answers thereto.

Q. Have you got those questions and answers with you now?—A. I have not. I had no idea what was wanted of me, or I might have brought them with me.

Q. Have you any idea how many parties were examined at the same time?—A. Mr. Geddes, who was at one time my assistant, and whom I know very well; Mr. Ellison, Mr. McGlensey, and Mr. Stuart, were examined, and one or two others presented themselves, who, after asking the character of the examination, declined to be examined. I think there were about four or five; that was all.

Q. They were sent to you by the Clerk of the House, and it was at his request that you made this examination?—A. They were examined at the request of the Clerk of the House, and I submitted to him the simple result in the order and the result of the examinations in the order of merit.

Q. Did the Clerk intimate to you any preference?—A. None, whatever. I had never seen the gentleman at that time. This Mr. Ellison passed that examination as No. 1.

Q. You say your assistant, Mr. Geddes, was also examined?—A. Yes, he was; he was an assistant of mine twenty years ago.

Q. Did you know any of the other parties examined, besides Mr. Geddes?—A. I know Mr. McGlensey.

Q. Do you know how he stood in the examination?—A. I think his examination was not as favorable as some others; I do not remember now; I think he was about three, or perhaps four.

Q. You have the order of the examination?—A. Yes: I have the questions, answers, the determinations, and everything, in my office.

By Mr. HARRISON:

Q. Did you prepare those questions yourself?—A. I did, sir; I wrote them myself.

Q. Were they known to any one outside of the office before they were answered?—A. No, sir; they could not have been known to any one.

Q. Did you examine Mr. Ellison and these parties as to their knowledge of practical engineering, or simply theoretically?—A. Practically and theoretically also, so far as could be elicited by such an examination. Of course, I did not take them into machine-shops and test them in that practical manner.

Q. Do you not consider that to test the practical knowledge of an engineer it is necessary to take him into a machine-shop, or is that unnecessary?—A. I think a very good idea can be formed by the character of the answers. Practical men can elicit that information without taking them into a shop.

Q. Did you not state afterward to Mr. Adams, or to somebody, that if he had asked you for a practical engineer, you would have asked a different class of questions, or might have made a different examination?—A. No, sir; I have no recollection of anything of that kind; in fact, my conversation with Mr. Adams was not of a minute's duration. He merely asked one question, I believe. If I remember right, he asked me whether the candidates that were examined were all of them qualified for the position.

Q. You never made a statement, then, that had he asked you for a practical engineer, you would have made a different examination?—A. No, sir; I have no recollection of having said that to any one.

Q. In examining candidates, do you not ask them for their certificates, generally?—A. We do.

Q. Was that done in these cases?—A. I asked them to present their certificates; I do not think that that question was written, but they generally do present their certificates. I know that I gave Mr. McGlensey a certificate sometime ago, that I had known him sometime, and that he was under me at the New York yard. He asked me for a letter of recommendation sometime ago, saying that there would be such an examination made; and I stated to him in a note what I thought of his practical qualifications. He was the only one that I had seen.

Q. Do you consider a person fit to take charge of an engine or engines who has not passed an examination as to the practical working of machinery in a machine-shop?—A. No; I consider under all circumstances the examination very necessary.

Q. That is required by law, is it not?—A. Yes. You will see by the examination, and the questions and answers, that they involved everything practical, so far as applied to this matter.

Q. Would you consider that a person, in order to be qualified to take charge of the engines here, should be a machinist, a practical worker, or a theoretical one only?—A. I should think it would involve both; he should be sufficiently practical to be able to detect anything that might occur in the ordinary working of the apparatus, and to suggest the proper remedy, and should have a sufficient knowledge of it to guard against dangers from accident; he should be familiar with all its parts, and all its operations, and should be able to properly conduct its working operations, so as to secure efficiency in every respect.

Q. To know how to repair it, I suppose?—A. Yes.

Q. Did you examine Mr. Ellison in that regard, to see whether he knew how to repair?—A. I think one of my questions covered all that ground. By referring to it I could answer definitely. I think the examination was of such a character as to elicit that information. At all events, it had a weight given to it in the examination; and I think such was the case.

By Mr. PLAISTED:

Q. You prepared the questions?—A. I did, sir.

Q. Did you submit the questions to Mr. Adams, the Clerk?—A. No, sir; I retained the examinations, and simply gave the order in which they passed—the order of merit.

Q. Prior to the examination, did he have any knowledge of the questions that would be asked the competitors?—A. No, sir; the questions were only known to the candidates when they were presented to them; and when the board convened we determined the values of those examinations as elicited by the questions and written answers in all cases by each member of the board. A question was read over, and each man had the value of his answer set down according to the judgment of the gentleman who was examining, according to his best judgment of how properly it had been answered.

Q. When were the questions first submitted to these gentlemen?—A. They were not submitted to them until they presented themselves in my office.

Q. Was the examination completed at the first session?—A. No, sir; I think that some three days probably elapsed; they were not all in there at once. Mr. McGlensey and Mr. Ellison were there at the same time.

Q. At the first session, was it?—A. No, sir; at the very last session. Mr. McGlensey was the last man examined.

Q. When was Mr. Wilson examined?—A. Mr. Wilson was examined on the day before the examination was completed, or the last day; I am not positive as to that.

Q. He did not present himself on the first day?—A. No, sir; he did not.

Q. Nor on the second?—A. Nor on the second.

Q. Or the third?—A. Well, I think the examination extended over about three days, and I think he came in during the third day.

Q. All those who presented themselves on the first day took copies of the questions that were submitted?—A. No, sir; they did not. They might have remembered the questions, and they might have imparted them to others in that way if they could have remembered them.

Q. They might have taken copies, too, might they not?—A. No, sir, I think not; I think it would have been impossible for them to have taken copies without my knowing it, because I was very careful to make the examination perfectly fair and impartial.

Q. But these questions were submitted to them in writing, and they had them on their table?—A. Yes; it was done in this way: I took a sheet of paper and handed it to the candidate, and he wrote his answer and handed it in; then I took another sheet of paper and wrote another question and he would write his answer to that and hand it in.

Q. How long did the examination of Mr. Ellison last?—A. The examination of Mr. Ellison lasted about four hours, I think.

Q. It was finished at once?—A. Yes; it was finished at once; he came in very early in the morning—I think about 10 o'clock—and I believe his examination was finished about 2 o'clock, or a little before, as well as I remember.

Q. And that was the last day of the examination?—A. That was the last day of the examination.

Q. Can you produce the questions and answers?—A. I can, sir; I have them at my office and will do so.

By the CHAIRMAN:

Q. The examination papers are not very long, I suppose?—A. They involve some twenty questions; and some of them were upon the theory of ventilation; others were on practical questions.

By Mr. HARRISON:

Q. Were they, or were they not, questions to be learned by rote from books?—A. Many of them certainly were questions that involved theory, such as the sanitary conditions of ventilation; the measures, for instance, of the volume of atmosphere, the character of the atmosphere, how to detect impure atmosphere, and what quantity was necessary to support in a healthy condition a vigorous man, and so forth.

Q. Could those things be learned in any way except by books?—A. By the investigation

of scientific authors on the subject, and the best sanitary authorities, of course; but I consider it eminently necessary, in order to maintain an apartment in a proper condition as to the respiration of men, that the party having charge of it should be able to know how much atmosphere should be required to be introduced, and what the results of respiration are; and he should be familiar, of course, with all that appertains to its maintenance in a healthy condition.

Q. You did not ask Mr. Ellison, then, or these other parties, with reference to their knowledge of how to set valves and repair machinery, and such practical questions as those?—A. I think that, so far as related to that class of practical questions, I merely required of them to describe the steam-engine, the motive-power, its method of operation, how to regulate and modify its action, and everything in connection with the preservation of boilers and safety-valves, how to guard against dangers, and with reference to all the appendages, in all the details, that were liable to derangement, and how to conserve and keep them in a proper condition for efficient service.

By Mr. PLAISTED:

Q. Mr. Geddes was one of the competitors, was he?—A. Yes.

Q. Do you know him?—A. Yes, sir.

Q. Is he a practical engineer?—A. I rather think he is more or less practical.

Q. Of how long standing is he as engineer; how much experience has he had in that respect?—A. My first knowledge of Geddes was nearly twenty years ago; he was then in the drawing-room of the Engineer-in-Chief up here in Washington. I was then ordered to Richmond, Va., to construct the engines for two of our large frigates, and Mr. Geddes was detailed as my assistant. I had him in the drawing-room there, and he remained there with me a few months; I cannot say exactly how long. I remember that he was in the Navy several years, and he passed up to the grade that he then occupied by satisfactory examinations, and I took for granted that that was evidence of his proficiency as an engineer.

Q. You regarded him as a competent engineer?—A. I should say he was a competent engineer; yes, sir.

Q. And has been a practical engineer for twenty years?—A. I do not know what his employment has been since he left the service, which was some years ago; but I should regard Mr. Geddes as a very good engineer, from my knowledge of him.

Q. Would you not regard his practical knowledge of engineering derived from twenty years' experience worth more than a mere theoretical knowledge?—A. Both are required. I do not know that his theoretical knowledge is of more value than a practical knowledge, but I presume that he has been engaged since theoretically rather than practically. I presume that his practical employment constituted but a very small part of his employment, so far as I was acquainted with him.

Q. Did you regard Mr. Ellison as a competent practical engineer?—A. I should, from his examination, and from his experience.

Q. Did he exhibit any certificate as to his qualifications?—A. He did not, so far as I know; I do not think he did.

Q. Or as to his character?—A. Not at all. I was not required to go into the moral part of the subject at all; that was a matter that I paid no attention to.

Q. Do you know any reason why he did not present himself for examination on the first day?—A. No, sir; I do not.

Q. Did you test his qualifications as an electrician?—A. I did not, sir. I do not think the examination involved anything bearing upon that subject.

Q. Is not some knowledge of electricity essential to the proper performance of the duties of that office?—A. I should say not, sir. The electrical has more or less reference to its hygrometric condition and the amount of moisture contained in it; dry atmosphere having more electricity than wet atmosphere.

Q. Has an engineer of the House of Representatives nothing to do with electricity?—A. Not in the ventilation of the hall.

Q. How about the lighting of the gas by electricity?—A. That is not a matter connected with the ventilation of the House, and that I asked him nothing in reference to.

Q. But that is a matter in his charge?—A. I was not aware that that was one of the duties of the engineer.

By Mr. HARRISON:

Q. You asked Mr. Ellison no questions relative to his capacity for repairing, setting up, or taking down an engine?—A. I asked him questions with reference to the construction and erection of ordinary high-pressure engines, and he told me that he had erected a great many.

Q. He simply told you he had done it?—A. Yes; and I asked him where. And he stated where, mentioning the buildings, I think, or some of them; at all events, you will examine the examination papers there submitted, and see the character of the questions and answers that were elicited in that direction.

By Mr. PLAISTED:

Q. Did you have any conversation with Mr. Adams before the examinations?—A. No, sir.

Q. Was it all by letters?—A. It was all by letters, and I have all his correspondence, and will submit the whole of it, together with the examination papers. I had no interviews or correspondence with him whatever prior to that time. I never saw or heard of Mr. Adams in my life except on that occasion when I received this letter from him, as I have before stated, asking if I would examine these candidates.

Q. You had met him personally?—A. No, sir; I had not; my first knowledge of him was by this letter, and I returned him a reply in the affirmative, and stated the time within which I could make the examination, and then I requested him to give me a list of those whom he wished examined.

Q. Have you got the list?—A. Yes; I have all the correspondence.

Q. Was Mr. Ellison's name on that list?—A. I could not say unless I looked at it; I presume it was; I know I never examined a man whose name was not on the list, and therefore I presume it was on it.

Q. Were all the names of the persons that you examined sent to you at one time?—A. No; they were not. Each man presented me a letter of introduction from Mr. Adams.

Q. I understood you to say that Mr. Adams gave you a list of those whom he wished to be examined?—A. I certainly so stated; but since I come to think about it, I think the list was comprehended in the letter of introduction, that is to say, notes from Mr. Adams in the hands of the parties to be examined, stating that he had given them permission; that was probably it.

Q. Then he did not furnish you with a list originally?—A. Not a regular list; but the whole of the correspondence at the time will determine all these points.

Q. Did you have any conversation with Mr. Adams after you consented to act?—A. No, sir.

Q. Nor before the examination took place?—A. No, sir.

Q. Did you have any conversation with him after the examination?—A. Some weeks at least after the examination, and the first time I ever saw Mr. Adams, he came into my office, simply, as he said, to ask me whether or not all the candidates that had been examined and reported upon, as referred to in my letter to him, giving him the result of the examination, were all qualified; whether the No. 1 was better qualified than the No. 2, and whether the last man on the list was qualified for the position. I told him, yes I thought they were all qualified; but their merit was reported in the order of the number, the lowest, No. 1, taking the highest rank, so far as their examinations went.

Q. Had Mr. Ellison been appointed by Mr. Adams at the time of this interview?—A. Yes; he had been appointed at that time.

Q. Did he say anything to you about Mr. Ellison's qualifications as a practical engineer?—A. No, sir; the merits of the candidates were not discussed at that interview at all.

Q. Did you say to him that if you had known that he wanted a practical engineer, you would have given him a different man?—A. I might have stated to him something like this; I know that the conversation was very short, as I have said before. I do not suppose Mr. Adams was in my office more than one minute or two. That was the only time I ever saw or exchanged conversation with him at all. It occurs to me that something was suggested as to men being entirely practical, and whether or not a practical man could not run the engines quite as well, and be as well qualified for taking charge of the ventilating apparatus; and I think I told him that I thought not, that it involved both qualifications, and the examination was such as to cover both. I think that was the sum and substance of it.

By Mr. HARRISON:

Q. Then did not you say to Mr. Adams, at the conversation, that if he had asked you for a practical engineer you would have given him the name of some person else?—A. No, sir; I have no recollection of it. I do not see how I could have said that, inasmuch as I thought the examination covered both.

By the CHAIRMAN:

Q. Was there any influence used with you, either by Mr. Adams or anybody else, to induce you to give a certificate of the highest qualification to Mr. Ellison?—A. No, sir; the whole thing hinged on the examination, and the examination will tell its own story; you can form your own opinion from that and the correspondence when you read it.

By Mr. PLAISTED:

Q. Did you have any reason to believe or think that Mr. Ellison had had, previous to his examination, any knowledge of those questions upon which he was examined?—A. No, sir.

JAMES MCGLENSEY sworn and examined.

By Mr. YOUNG:

Question. What is your occupation, and where is your residence?—Answer. I live at 802 Gates avenue, Brooklyn. I am an engineer and machinist, and am at present stopping at the Continental Hotel, in Washington, where I have been since my appointment as assistant engineer of the House of Representatives.

Q. How long have you been here?—A. I came here the 3d of April.

Q. By whom were you appointed?—A. By Mr. Adams, Clerk of the House of Representatives.

Q. Will you inform the committee how it was that Mr. Adams arranged to appoint you—what influence induced him to do it?—A. I could not say. All I know is, that I was in Philadelphia, and received a telegraphic dispatch from General Elijah Ward to come on here, and I came.

Q. Did you have any correspondence or conference with Mr. Adams on the subject?—A. None at all.

Q. Examine that letter, [handing to the witness a copy of the Congressional Record, No. 100, Forty-fourth Congress, first session,] and say whether that letter was written by you?—A. [After looking at the paper.] If you give me the original I can tell you.

Mr. YOUNG. I have not got the original. Read it in print, and see if it corresponds according to your recollection with the original.

The witness read the letter, as follows:

“67 MAIDEN LANE, NEW YORK,

“March 21, 1876.

“DEAR COLONEL: I herewith send you a slip from yesterday's Times. I seen the proceedings in the sun of last week—the same as you sent me, and I sent a letter to Judge Holman, telling him the falt was in the engineer, and I see the committee have my exact words; and I sent him another letter yesterday, which, I think, will have some effect, and I send you the original, printed by Doctor Thiers, who states that Ellison knows he printed it, and he don't care who knows it, as he will tell anybody he is. I went and seen some of the witnesses. Mr. Delano says he was discharged for stealing pipes and other Government stores, but his record is in the Navy Department. He lives at 115 St. Mark's ave., Brooklyn, and it is well known in the navy-yard. He is on the retired list. Mr. Cosgrove, the master plumber of the yard, in the department of construction, was Ellison's quartermen, and he says so. He is master plumber there now. Mr. Jas. Hunter, who is plumber in yards and docks, knows all the circumstances of what is in this statement. It was from him I got my information, and if any of them was put on the witness stand they would tell a great deal more than they tell me; in fact, everybody who was in the yard at the time knows of it. It was no secret. As regards to the other matters in the statement I don't think amounts to much, as some of the parties are dead; but the Dr. says he can prove the most of it. I see him almost daily. He is the man that was poisoned by Ellison, and has the bottle yet. He is well known in Washington by W. W. Woods, (Chief Engineer Navy Department;) Mr. English, who used to be round your office, and Mr. Geer and others. I want you to take good care of this, so it can be returned to me. The Sunday Mercury was burned out and lost its files, and I hunted all over to try and find one but failed. Mr. Collwell, the owner, has promised to see if he can't find it for me. If he does I will send it to you. I think you could get his record in the Na'y Department, as you have the dates. I think if you will see Major C'burn, (the Herald,) and tell him it's for me, he can get you an order from some of the Committee on Naval Affairs in the Senate, as I don't want to touch the the House. I don't want to be known in this matter of Ellison's removal. Now you can act with Mr. Lockwood in this matter, as I think it will take very little to finish Ellison, and let me know how you make out in this; and if you can get my letters before the committee I think they will recommend me. Write and let me know how things are and who is assistant, as soon as possible.

“Yours, &c.,

“JAMES MCGLENSEY.”

Q. Did you write that letter?—A. It is not exactly correct, but in the main it is so.

Q. In what particular is it incorrect?—A. There are several words there that I do not think are in the original.

Q. Who is the colonel that is alluded to?—A. Colonel Alexander, of the Gazette, published in Washington City.

Q. What was the purpose of the correspondence?—A. I had received a letter from Washington about different things, and seen references in the newspapers.

Q. I suppose this correspondence and this movement were entirely disinterested on your part, were they?—A. Well, sir, I think that letter of mine is a sufficient explanation. It is as good a one as I can give.

Q. Had you any purpose now except to serve the public interest?—A. None at all—the public interest and my own included.

Q. You concluded that your interest was identical with that of the public?—A. I think it was.

Q. You thought that Mr. Ellison had too warm a nest, I suppose?—A. From what I had seen in the newspapers, and heard from different parties, I thought it was pretty warm, and I had no hesitation, if he was going to step out, that I should step in.

Q. And you were quite willing to give him a little help to go?—A. Undoubtedly.

Q. Do you know anything about these various charges mentioned here?—A. Nothing at all, more than what I stated there. I know nothing of my own knowledge, whatever.

Q. Can you give any evidences upon which you based this opinion?—A. A printed document was sent to me with a letter, and if the persons who violated that confidence in giving part of the letter did not give the whole of them, they ought to have done so. That is all I have to say about it.

Q. Who was that letter from?—A. I received a letter from James Hunt, in the Brooklyn navy-yard, inclosing this printed document, and stating that it could be verified by affidavit, and that I knew where to find it if necessary. He sent with that a card of this ventilation company that Dr. Thiers is with; the card said that his office was on I street, Washington, but I found it in New York, or the office of the company that he is connected with.

Q. Do you know anything of your own knowledge that disqualifies Mr. Ellison from discharging the duties of engineer of the House of Representatives further than the fact that you would like to have his place?—A. No, sir; and that is no consideration with me at all now.

Q. You have got a place now?—A. I have got one.

Q. You are satisfied now to let him stay, I suppose?—A. I am satisfied; it suits me as well as I could expect.

Q. Do you of your own knowledge know of any reason which disqualifies Mr. Ellison from discharging the duties of that office?—A. So far as practical engineering is concerned, I do not consider him a practical engineer. So far as ventilation is concerned, he may be all that can be expected.

Q. Upon what facts do you base your opinion that he is not a competent engineer?—A. Well, he has never had any experience. I am satisfied of that.

Q. How did you arrive at that conclusion? How did you obtain the information that he had never had experience?—A. I obtained it from parties who know him.

Q. You do not know it of your own knowledge. Have you seen anything since you have been here going to show that Mr. Ellison did not understand the duties of his position? Has anything fallen under your own observation?—A. It is a kind of question I do not know how to answer, because that question never came up in any connection where I would be able to test it. He has never interfered with me in my duty, so I cannot say.

Q. I infer from this letter that you probably were informed of it. If there is anything else that you can tell the committee, we would like to have it.—A. I promised Mr. Adams when I went down there that I would attend to my business, and me and Mr. Ellison would not get into any quarrels; and, if we did, we would both be discharged. I am a man that generally sticks by what I say.

Q. Mr. Adams has not given you any instructions not to testify before this committee?—A. No, sir; but, so far as Mr. Ellison goes, he is not a practical engineer, I believe.

Q. What are your reasons for saying so?—A. He does not know the mechanical names of things, and the workings of things, as we do.

Q. What parts of the machine is he not acquainted with the names of?—A. Several parts, in fact. However, it never came into question as to not knowing the parts.

Q. How do you know he is not acquainted with the parts, then?—A. He is not acquainted with them practically.

Q. How do you know that?—A. I can judge; that is all. We have never had any conversation on the subject.

Q. How is it possible, then, for you to know?—A. Engineers know this in regard to our business, that if a man is chief, and we have confidence in him, that man will come and tell us how we ought to take up lost motion, for instance, and such things as these; he will make suggestions, and consult with us, and Mr. Ellison has never done that. A chief engineer would come naturally, as I would if I were in his place, and he would say to his assistant: "You had better do this thus and so," or something of that kind. I never came across a chief yet that did not do so.

Q. Did you conclude from the fact that Mr. Ellison did not consult you about these matters that he was ignorant about them?—A. I cannot say that.

Q. Would not a competent assistant know how to discharge these duties without instructions?—A. Certainly.

Q. And would it follow as a matter of course, if you were competent yourself, and the chief did not give you any instructions, that he did not know how to do so?—A. That would be the natural conclusion.

Q. That he did not know how?—A. Yes, sir; that would be the natural conclusion.

Q. Is that all the reason you have to conclude that he is not competent?—A. That is all, and what I heard from parties who know him.

Q. That is all you know of your own knowledge?—A. Yes, sir.

Q. If I understand, you are the assistant, and Mr. Ellison has never consulted you about the discharge of your duties?—A. No, sir; not about the discharge of my duties; he told me sometimes how to run the engine.

Q. Has he ever given you a wrong direction?—A. He has never given me a positive wrong direction; he has asked me if I could run the engine so fast, and I told him "no."

He said parties had told him that the engine would turn a certain number of revolutions in a minute, but I would not do so, and any practical mechanic would know that it would not.

Q. Have you ever seen anything in Mr. Ellison that showed that he was not competent?

—A. He has acknowledged to me myself that he has never had much experience as a practical engineer.

Q. When was that?—A. He stated that while he had not great practical knowledge, he had had some experience at it.

Q. Did he ask you if he was not competent?—A. He asked me the question if I did not think he was competent.

Q. And what did you tell him?—A. I forget what I told him. Any man is competent who has good assistants.

Q. Your opinion has undergone some change since you wrote this letter?—A. Well, I think that letter is plain enough. I am a pretty candid man about these things. When I got hold of the document that I alluded to in that letter, I could not believe it, and I can hardly believe it now. I reasoned with myself, that if this man was guilty of those crimes, I did not know how he could keep out of the penitentiary. Of course, I know nothing about it, and I hesitated a long while about it any way; but everything that I wrote was written in confidence, and I supposed that people were like myself, and would keep it in confidence.

Q. Who is Mr. Lockwood?—A. That should be Mrs. Lockwood; there is a mistake in the print.

Q. Who is Mrs. Lockwood?—A. She is a lady up-town here.

Q. What connection has she with this engineering business?—A. She is an old acquaintance of mine.

Q. Was she one of your allies in getting Mr. Ellison out?—A. I rather think she took a little interest in it; I do not know that she was one of my allies at all; there were other parties, I think, that she was working with.

Q. Who were the other parties?—A. I think she stated in a letter that it was a man that keeps a restaurant.

Q. He wanted Ellison removed, did he?—A. I don't know about that, but I think that he and Ellison had had a fight about something or other. She refers to it in her letter, but I forget the particulars of it.

Q. Have you got her letter?—A. It is lying around the house, I guess, somewhere; I don't know really whether I have it or not. I never pay much attention to letters after I have got done with them.

Q. She was a sort of attorney in the matter, was she?—A. Well, she is a sort of attorney, I suppose.

Q. Did you pay her anything?—A. No, sir.

Q. Did you promise to pay her anything if she got Ellison out?—A. No, sir; I had no conversation with her about getting Ellison out or anything else of that kind, except by correspondence.

Q. Was there any agreement in the correspondence about money?—A. None that I know of.

Q. Do you not know what the correspondence was?—A. The correspondence was that she wanted to get information from me about Ellison.

Q. Did Mr. Alexander have anything to do with it?—A. He wrote a letter to me about Mr. Ellison insulting him, or something of that sort. I knew Mr. Alexander and his father. His father and I were friends many years, and I had served part of my time under his father, and afterward as foreman.

Q. How many other persons were interested in this matter of the removal of Mr. Ellison?—A. I could not tell you.

Q. How many more did you correspond with?—A. I did not correspond with anybody else.

By Mr. HARRISON:

Q. You say that you considered Mr. Ellison capable of running this machine, and you qualified that by saying that he is a good assistant?—A. Certainly.

Q. You did not say that you considered him good or capable of running it without the assistant; how is it about that? Do you now consider that Mr. Ellison is capable simply because he has capable assistants?—A. I do, sir. That is the answer I make.

Q. You do not know of your own knowledge whether he would be capable of running the machine if he did not have the assistants?—A. No; I don't know of my own knowledge.

By Mr. YOUNG:

Q. What assistants has he that enables him to run it perfectly now?—A. He has two good practical mechanics.

Q. Who are they?—A. Mr. Stewart and myself.

Q. If you were away, then, you do not think Mr. Ellison could run the machine himself?—A. Well, I don't know that any man could do it, if we were both away. There are too many engines there to attend to and to attend up-stairs, too.

By Mr. PLAISTED :

Q. Would he be capable of taking your place and running the engines if you were away ?
—A. I don't know about that, sir.

Q. What is your opinion ?—A. My opinion of engineers is this, that it is necessary for a man to be perfectly competent to repair an engine or a part of an engine, and the moment that anything is displaced about the engine, or gets disarranged in any manner, he ought to be able to detect what it is and know exactly how to remedy it.

Q. How long experience have you had as a practical engineer ?—A. I have had experience of between 35 and 40 years as a machinist and engineer.

Q. Has any accident occurred in the running of the engines of the House of Representatives since Mr. Ellison has been there ?—A. No, sir.

Q. Or since you have been there ?—A. None at all, sir ; nothing more than necessary wear and tear.

Q. Do you know whether or not there has been any accident since Mr. Ellison's appointment ?—A. That I do not know.

Q. What does he have to do ?—A. He has a great deal to do. He has running up-stairs and attending to the floor down-stairs, and he has a great deal to attend to. My opinion is that a chief engineer's business is to have a general supervision all over, and his business is not to work himself ; it is his business to see that the others do the work properly.

Q. Does he see that you do your duties properly ?—A. I think he does, sir ; I know he does.

Q. He understands when you are running the machine properly ?—A. He understands, of course, when we are running it properly, because if we were running it improperly it would pretty soon tell itself.

Q. Do you run it wholly by his ideas and directions ?—A. He does not give me a great deal of directions or ideas about it. He tells me sometimes to run it a little faster, and I sometimes do, and sometimes give him my idea why the engine cannot run any faster.

Q. Then you run it according to your own ideas instead of his ?—A. No, sir ; I run it a great deal by his judgment. I would run it 50 or 60 turns a minute, if he told me to, and if it did not make it too hot.

Q. Then you run it by your own judgment, do you not ?—A. Well, if he told me to run that engine 100 revolutions a minute I would not do it.

Q. Did he ever tell you to run it at 100 revolutions ?—A. No, sir ; he never did.

Q. What did he tell you in that respect ?—A. He told me that the party who made the engine told him that it was capable of running at 100 revolutions, but I told him that I never heard of such a thing as an engine of 14-inch cylinder and 26-inch stroke running so many revolutions. I told him that no man that knew anything about engines could have told him that. That engine had small openings and she would not clear herself at 60 revolutions hardly. He came to me and asked me several times if I could not run her up to 75 and 80. He did not direct me to do that, but asked me if I could not do it, and I ran her up as far as I could without getting her hot, and if I found her getting hot I would stop it.

Q. Could she run at 80 ?—A. Yes, sir ; she could, but she labors under that. She is not clearing herself. She does not get rid of her steam at each end of the cylinder, and of course, if the steam does not escape through the exhaust at each end, there is so much resistance to the piston. That is what we call a "back-lash."

Q. How do you account for your appointment as assistant ?—A. I will tell you how I account for it. I have been a good democrat all my life-time, and have had some good friends, and I have had as good recommendations, I guess, as any man living from leading mechanics of Philadelphia and New York, and I have had leading democratic members from cabinet ministers, down, who have known me all my life, and I have had General Elijah Ward to back me.

Q. Don't you think it better for the interests of the House and the public generally that you should have charge of the engine, for instance ?—A. No, sir ; I don't think it would be now, because I am not as active a man as Mr. Ellison, and would not be able to run round and attend to the ventilation.

Q. You think, then, that you have the place you are qualified for ?—A. I do think I am qualified for that, because I like my engine as well as I do my wife, and I like them both very well, I can tell you.

Q. You want to see her work well ?—A. I do, sir. That is my pride, and if she does not do the work well, I will pretty soon find it out. I want to tell this committee one thing. I don't know who the gentleman is that has started this investigation, but he places me in the position of a prosecutor. I never like to be placed in a false position. I always stand by what I say, but I don't like to be put in a false position. I never accused Mr. Adams of appointing me for the purpose of bridging this thing over at all, for I never had such a thought in my mind, and Mr. Adams never intimated anything of the kind to me in the world.

By Mr. HARRISON :

Q. Do you not think that if Mr. Adams had seen that letter you would not have got your appointment ?—A. I do not know anything about that.

By Mr. PLAISTED :

Q. When were you appointed ?—A. I came here a few days or perhaps a week before the 1st of April, and Mr. Adams asked me to wait until the 1st of April. I told him it made no difference to me exactly the day when I got employed. In the mean time I was taken sick, and went out here on the hill with some friends of mine. I did not care much about going to work then until I got better.

Q. [Showing a written paper to the witness.] Is that the letter that you wrote to Colonel Alexander ?—A. Yes, sir ; that I caused to be written ; it was written by my grandson for me.

Q. It was dictated by you ?—A. Every word of it was dictated by me. The letter referred to was compared with the printed copy in No. 100 of the Congressional Record of this session, and was found to be in all substantial respects identical with the printed copy.

Q. What do you know about the charge of poisoning against Mr. Ellison ?—A. I know nothing, only by hearsay—nothing whatever.

Q. What is the name of the one who knows so much about it ?—A. His name is Dr. Thiers.

Q. What is his address ?—A. It is given on his card as 72 I street, Washington, D. C.

By Mr. YOUNG :

Q. Were you an applicant for this position before Mr. Ellison was appointed ?—A. I was, sir.

Q. Did you undergo an examination for it ?—A. Yes, sir.

Q. Were you not pronounced incompetent ?—A. I do not think so ; I did not so understand it at all. Mr. Wood could hardly do that, for he and I worked together over thirty years.

Q. Did you have any conversation with Mr. Ellison during the days upon which the examinations were had ?—A. No, sir ; he was there, and I was there. It took me two days to get through my examination. I am a little crippled in my hand for writing purposes ; and being around cellars so much of the time my eyes have been troubled a little with the gas, so that I can hardly say that I can see to write very well, and therefore it took me two days to get through. On the last day Mr. Ellison sat at one table and I at the other ; but I was not acquainted with him at all. I got through, however, before he did.

Q. Do you know whether he had any knowledge of the questions that were to be put to him before his examination ?—A. I know nothing about that, sir. I received my notice and went up there and reported and then I appeared there for examination the next day. I know nothing about other parties, nor their examination.

Q. Did anybody ever promise you that if you would hush this thing up you would be appointed to a position ?—A. No such thing was ever whispered by anybody. Before it was decided, however, I was threatened by certain parties that if I accepted the position they would have me out of it within three months.

Q. But you were not put in order to keep you from disclosing the facts that you have now disclosed ?—A. No, sir ; I want that distinctly understood, that no such proposition was ever made to me by anybody.

By Mr. PLAISTED :

Q. Nor any suggestion ?—A. Nor any suggestion. I do not suppose anywhere that anybody who knows me would think of making me such a proposition.

By Mr. ELLISON :

Q. Who was it that said that he would have you out in three months if you were appointed ?—A. It was a man who I never saw before in my life ; they told me his name was Judge Wright.

Q. Who told you that his name was Judge Wright ?—A. Colonel Alexander told me who it was.

Q. Were he and Alexander together ?—A. It was in Mr. Alexander's office, when I first came here to Washington. I had known Mr. Alexander from his boyhood, and I was with him considerably.

Q. Did Mr. Wright say that to you ?—A. Mr. Wright said that if I accepted the position he would have me put out of it in three months. They said he was a man of means and influence, and all that sort of thing, and he made me pretty mad. I got up and told him that no man in the world could scare me, and that I did not care for his means or his influence. I said to him that I did not scare anything worth a cent about anything of that sort. Colonel Alexander told him that that was no way to talk to me.

Q. Did Mr. Wright have a son who was an applicant for this position ?—A. I so understood. I do not know whether he has a son or not.

Q. Did not Mr. Wright have a conversation with you in the hall here before you were appointed ?—A. No, sir.

Q. And did not he tell you that he was an applicant for the place ?—A. No, sir ; there was a young man here last winter by the name of Wright, who came up to the Saint James Hotel and introduced himself, stating that he was an applicant for the position, but that he

had a good position in the Erie Railroad in Jersey City, and thought I was deserving of this place, and he would go home out of the way.

Q. And you do not know whether that was Judge Wright's son or not?—A. No, sir; nor anything else about him.

By Mr. YOUNG:

Q. Did he give any reason why he would get you put out?—A. Well, he indicated that they were going to fight us; were going to fight all hands, and would have all hands put out.

Q. Did he mean Ellison, and Adams, and all?—A. I do not know whom he meant; he did not mention Mr. Adams's name; but of course the man was blathering a good deal; he was excited.

Q. You did not attach much importance to that, then?—A. I told him I was not a good man to fight against, and that I did not scare worth a cent.

By Mr. ADAMS:

Q. The General Ward who notified you to come on here is General Elijah Ward, a member of Congress, is he not?—A. Certainly.

Q. Is he not your representative in Congress?—A. He represents the district that I used to live in, and he has taken an interest in me, through my friends and his friends.

LEVI JONES sworn and examined.

By Mr. YOUNG:

Question. Where do you live?—Answer. On L street southwest.

Q. What is your occupation?—A. I am a machinist by occupation.

Q. Do you know George C. Ellison, the engineer of the House of Representatives?—A. Yes.

Q. Do you know anything touching his mental or moral qualifications to discharge the duties of that office?—A. I would just like to make a statement of how I came to be acquainted with Mr. Ellison. I was introduced to Mr. Ellison in the office of Gray & Noyes, machinists, in Washington City, Mr. Gray himself introducing me. After getting an introduction to him, Mr. Ellison and I walked up Fourth-and-a-half street from Maine avenue, where Gray & Noyes's shops are. He told me then what his object was; said he was a candidate for the chief engineership of the House of Representatives, and that he was a little rusty, or something of that kind, and wanted to be posted, so as to be able to go before the board to be examined. We walked up Fourth-and-a-half street as far as the public square or the next avenue, Missouri avenue, I think it is, and down again to Maine avenue, talking along the way. Finally I saw that he was a little rusty, because he could not exactly understand the terms I used when I would be talking about the machinery of engines. We then went into the shop, and I said to him, "If you come into Gray & Noyes's shop you will find a cylinder there blowed out, and I can explain things better to you there." He went into the shop, and both of us stooped down, and I took the valve and put it on the seat, and walked out, so as to show him how the valve did work; and then he asked about the machinery up here at the Capitol. I said to him, "Mr. Ellison, you come up to the Capitol just the same as any other visitor, and I will point those things out to you." Said I, "That is my duty, to show the visitors around."

By Mr. HARRISON:

Q. Were you then one of the engineers here?—A. I was first assistant engineer here. I then pointed out to Mr. Ellison the valves, and also the drips and other things, as I would show any other visitor. My object in taking so much interest in Mr. Ellison was that I knew, of course, that the chief engineer who was then there was going out; I was satisfied of that, and I was kind of promised that I would be retained. The man that introduced me to Mr. Ellison said, "Mr. Ellison promises that he will retain you to the last." After Mr. Ellison got the appointment, I asked him for a re-appointment for myself, and he said to me then: "You are good enough for a year any way here, and I would not bother about a re-appointment;" so that I took all the interest I could in Mr. Ellison, and showed him everything about here that I could show him. If he had been my brother I could not have done more for him. I remained with him until Mr. McGlinsey took my place.

Q. Then you expected an appointment under Mr. Ellison, did you?—A. I expected to remain with him for a year.

Q. Did you disclose those things to anybody privately at the time of your discharge; that is, about this conversation and so forth, with Mr. Ellison?—A. No, sir; I never mentioned it nor said a word about it.

Q. After you were discharged you felt it necessary to speak about it?—A. The day I got my discharge, Mr. Ellison was standing with me down stairs; and when the discharge came down, he made a little strange of it; and I says to him, "You need not make strange of it, Mr. Ellison; I think you were aware of this for some time." He says, "I was not,"

or, "I did not know exactly when it would be," or something like that. I said to him, "No, I do not suppose that you knew that it would be this present moment," but, I said, "Three or four days ago you had new locks put on all the doors, and did not give me the keys." I said to him, "Mr. Ellison, I never went back on you, and never said a word to anybody about you, never exposed in any way about your being incompetent here;" but, I says, "Now you have gone back on me, I am at liberty to say what I have a mind to if I choose," and I said, "You have gone back on me; I will go back on you." I never went, however, to any member of Congress, and never volunteered to anybody else, only just the hands employed around.

Q. You did not like Mr. Ellison very well after that, did you?—A. I do not like any man that would not keep his word with me.

Q. You thought it would be rather a pleasant thing to get him out?—A. I never made one movement toward getting him out.

Q. What is there about Mr. Ellison that makes you think he is incompetent for the position?—A. The simple fact of having to take a man who pretended to be a practical man to an engine or to a steam cylinder blowed out in the shop, and placing the valve on the seat, showing him the working of it. I did not consider that such a man was a practical man. I am glad Mr. Ellison is present here, for I would not say anything here that he would not be present to hear. After he got the appointment, he turned round to me and says, "Levi, these engines do not have any eccentrics, do they?" And I said to him, "Yes, they have; there is an eccentric." I was satisfied that Mr. Ellison was not a practical man, but I did everything in my power to help him to get along.

Q. How long have you been connected with the establishment down stairs?—A. I have been over there, connected with the building, since 1853; but I came into the engineer department in 1872, I believe.

Q. Were you an applicant for this position—were you examined by Mr. Wood?—A. No, sir; I was transferred over here from the machine-shop with Mr. Miller, chief engineer in 1872.

By Mr. HARRISON:

Q. You say that you have not done anything to have Mr. Ellison put out of this position?—A. I have not done anything—any more than making a remark to several of my friends, when I would be asked the question if he was a practical man. I would say, no, he was not. They would say, perhaps, "Why do you know he is not a practical man?" and I would tell them, as I have told you, that no man can be a practical man that would have to be taken to a shop and shown a blowed-out cylinder, and have it explained to him. Mr. Ellison asked me, even, the difference between a high-pressure and a low-pressure engine, and the difference between other things about an engine. That, I think, was on Saturday, when we walking about, as I have said. We made arrangements to meet at the Congressional Hotel on Sunday morning to get the key of Mr. Gray's shop, and go down there to give another lesson. He sent up his card to Mr. Gray at the hotel, and Mr. Gray sent back word, saying that he would not be down till eleven o'clock, and I then told Mr. Ellison that I could not wait; that I had to be down here at the Capitol. We were running here that Sunday, so we did not meet that Sunday anywhere.

Q. You did take him down to this machine-shop, however, and explained to him the engine?—A. I explained to him the cylinder and the valves.

Q. Did he show any other evidence of ignorance of machinery besides ignorance of this valve?—A. He showed to me that he was not acquainted with machinery at all in any way. I cannot say that Mr. Ellison is acquainted in any way with machinery from the way in which he expressed himself about the engine, even after he came down here and saw the engines.

Q. That was before he was examined by Mr. Wood?—A. Yes.

Q. Did you explain all the different parts of an engine to him?—A. No, sir, not all the different parts; I did not have a chance to do it; I explained everything that he would ask me, and that I had an opportunity of doing.

Q. But you say that afterward he was down below in this building?—A. He was, sir.

Q. And that you then explained to him everything about the machinery?—A. Well, no, not everything about the machinery.

Q. The explanation you made to him down-stairs in the Capitol was before the examination?—A. Yes; he just walked around carelessly, like any other visitor would do, and any chance that I would get I would point out to him the different things about the engines, the valve that turned the steam on, and the drips, and so forth; he particularly asked me about the drips, the jet-cocks that we have to take the waste-water out of the cylinder.

Q. He did not understand those, you say?—A. No; I showed him where they were.

Q. Did he tell you why he wanted to learn these things?—A. Yes. Mr. Ellison told me this: said he, "I am going to have this examination done in writing;" and he says, "This is my own proposition." He showed a letter that Mr. McGlensey wrote.

Q. What was in that letter?—A. It was something that Mr. McGlensey wrote to Mr. Adams in reference to Mr. Ellison. I do not remember what the contents of the letter were now. I noticed one thing, however, that Mr. McGlensey wrote a very poor hand, and he no-

ticed that, and said he would have this examination done in writing. I went up and met him on the avenue, and promised to meet him again at Willard's Hotel. I went there at the time appointed and waited, but he was not there, and I then came down the avenue and met him. We went back to Willard's Hotel, and from there we went up to the Arlington, I believe, where his members of Congress boarded, he said; we went up there to see them about this appointment; and Mr. Ellison told me that if he got beat at his own game he was perfectly satisfied. He said it was his own suggestion to have it done in writing.

Q. He wanted you to post him, so that he could make his answers?—A. Yes, he wanted me to post him, and that is what I was doing the time we went into the shop. We went into it so that I might give him information as to the working of the engine and the construction of it.

Q. After he was appointed how long did you work with him?—A. I worked there until the 3d of April, when Mr. McGlensey took my place.

Q. When was Mr. Ellison appointed?—A. I do not remember. I think some time in March.

Q. Then you were not long under him?—A. No, sir; not long. I remained with him until the 3d of April; probably a month.

Q. What did you learn as to his qualifications or want of qualifications during the time that you were working under him?—A. During all that time Mr. Ellison never had anything to say about the machinery. If anything was going wrong, or if anything was wanted to be done, he would always refer to me, and would tell people to come to me about things. I ran the hall for a while with a gentleman by the name of Bolend. Mr. Ellison placed him in the hall, and I took him under instructions then to teach him to run the hall. I told Mr. Bolend that I wanted him to report to me about every half-hour or an hour, so as to let me know the temperature, and then I could regulate it from below. Mr. Bolend did so, and I think that for the ten days that he was there everything worked along as nicely as could be. We never heard any complaint. After that Mr. Ellison took charge of the machinery below, that is, the ventilating part of it, and turning the steam on and off, &c. Then there seemed to be trouble from that time out. Things got to be very bad. Mr. Bolend would come down-stairs and say that the members of Congress were up in arms and wanted the heat on or off, whichever it might be, and Mr. Ellison would tell him that he would attend to it. It continued that way until finally we got almost into a quarrel about it. I would say to Mr. Ellison sometimes, "I would not put on the steam that way in the main coil." In putting the steam on you open the valve. He made a remark several times about putting on the steam from an eighth of an inch to a quarter of an inch, and did that several times, and would keep it on fifteen or twenty minutes, or something like that, but not long enough for the steam to go through the coil. The steam would not condense in the coil. The coil is about 16 feet high, and the water, on one occasion, lay in the pipes and bursted them. I told him about it next morning, and, in fact, I spoke to him half a dozen times about that way of letting the steam into the coil.

Q. Did you tell him it would burst the coil?—A. Yes. The least little frost that would come, if water lies in the bend of the coil, the frost would burst it.

Q. And it did do so, you say?—A. Yes, sir.

Q. How came Mr. Ellison to make that mistake?—A. Mr. Ellison said he never had had any experience in running machines; that was one thing; and he did not know how to do it. He would ask me, and I would tell him that by putting the steam on about a half or three-quarters of an inch it would take a half-hour to blow through the coil. I told him that half a dozen times. I was perfectly willing to do everything I could for him; and when he even wanted to learn about the electricity he came to me and would not go to Mr. Small, who was the electrician. I was assistant under him, appointed by Mr. McPherson, to learn the lighting of the building, in case of sickness or anything of that kind; and I would go around with Mr. Ellison and show him everything I knew about it. I do not think I ever told him a story the whole time I was there about anything he ever asked me about.

Q. And you have not done anything since your displacement to injure Mr. Ellison in any way?—A. No, sir; I have not done anything in any way.

Q. Except to answer such questions as were asked of you?—A. A few of my shop-mates—men employed around in the same business with me—would get talking and would say, perhaps, that I had gone to Gray & Noyes's shop and showed Mr. Ellison the inside of a cylinder; and I would say, "Yes;" and they would say, "Do you look upon him as being a practical mechanic?" and I would say, "No; not a machinist; he may be a plumber," or something of that sort. I understood that Mr. Ellison had charge of a plumbing establishment somewhere before coming here.

Q. Your displacement was not at Mr. Ellison's suggestion, was it?—A. No, sir; not that I know of.

Q. It was Mr. Adams that put Mr. McGlensey in?—A. Yes.

Q. You and Mr. Ellison were friends, then?—A. Mr. Ellison and I, comparatively, were good friends. I know I was good friends with him all the time. The only thing, as I say, that ruffled me was that, three or four days before I was dismissed, he had put new locks on the doors, and he did not give me any key; and on one occasion I had to wait until he came before I could get in.

By Mr. HARRISON :

Q. You say that Mr. Ellison told you that he would fix it to have these questions which were to be asked of him in writing?—A. Yes; he told me that was his suggestion.

Q. With whom did he say he had arranged that?—A. He did not tell me.

Q. Who was this letter that he had in his possession from?—A. There was a letter that Mr. McGlensey wrote.

Q. To whom had he written it?—A. I am not sure, but I think to Mr. Adams.

Q. Do you know what the contents of it were?—A. I do not remember now what the letter was, but Mr. Ellison showed it to me.

Q. Do I understand you to say, in answer to Mr. Harrison's question, that you were perfectly friendly with Mr. Ellison?—A. Yes.

Q. Did you not tell me a while ago that you were not very good friends with him?—A. I said I was very good friends with him up to the time of my discharge. I said I did not think very well of a man that did not keep his promise. I believe that if he had kept his promise with me I would have been with him yet.

Q. Do you like him as well as you did before?—A. I cannot say that I do.

Q. You were not so friendly as you were before?—A. There is nothing to prejudice me against Mr. Ellison; I would not do anything to hurt him. I would not tell a falsehood, or do anything out of the way, or anything to injure Mr. Ellison any more now than ever.

Q. Mr. Adams has the control of these things, has he?—A. Yes.

Q. These positions are not in the control of Mr. Ellison, are they?—A. No; I believe not; the only thing is that Mr. Ellison told me that he thought Mr. Adams would grant him that request which he would make to him to keep me with him.

Q. You say you never mentioned this incompetency of Mr. Ellison to any one until after your discharge?—A. No, sir.

Q. Did you say you never mentioned it to anybody afterward, except when you were asked about it?—A. I do not know when I ever mentioned it without conversation coming up in some way, or being brought up by somebody else; somebody would say: "Levi carried him down to the shop," and I would say yes.

Q. Who have you talked with about it, do you remember?—A. I have talked to a dozen different men about the building. I suppose.

Q. Do you remember anybody connected with the building, or any officials of the House, with whom you have talked on the subject?—A. I have talked with Dave Small, the electrician, about it, and to Mr. Sherman, and to the carpenter, and different men about the building. They would ask me about it, or the conversation would come up in some way, and I would tell them, as I have told you, that I was satisfied that Mr. Ellison was not a practical machinist, and I am satisfied of it yet.

Q. You say he does not understand electricity?—A. No, sir.

Q. Do you understand it?—A. No, sir; I cannot say that I do.

Q. Then how do you know that he does not?—A. Because I know that he does not know so much about it as I do, or did not then; I do not know what he knows now; I am only speaking of the time when I was with him; he has been around since, I believe, looking after the electricity; I showed him all I knew about it then, and all I knew was how to light it, and repair the burners. I am no electrician.

By Mr. PLAISTED :

Q. Have any accidents occurred in consequence of mismanagement of the lighting apparatus, or have any occurred since Mr. Ellison's appointment here in consequence of mismanagement of the lighting?—A. On one occasion, when Mr. Ellison and some other gentlemen were experimenting on the lighting, the Sunday after Mr. Small was dismissed, an escape of gas occurred at that time, and lasted all night. I do not know what the damage was. I heard that Mr. Baily would say that it was a thousand dollars; but I do not know anything about that. I remember that next morning the building was full of gas, and Mr. Ellison went up and remedied it himself.

Q. The valve was left open all night?—A. Yes; of course not all the way open, but some.

Q. Do you know about what amount of gas escaped?—A. No, sir; I do not know anything about that at all.

Q. When was the damage done by the bursting of the steam-pipes referred to?—A. I think there were two or three sections of the coils that were found leaking the next morning.

Q. What was the cause of the accident?—A. It was caused by there not being sufficient quantity of steam let on to blow all through the coil; the steam condensed in the coils, and it being a little cold in March, this steam condensed and froze in the coils, and burst them. It would do so at any time under similar circumstances; that is why we have to be so particular to thoroughly drain the coils.

Q. How many gas-burners are there in the Capitol that are lighted by electricity?—A. I do not know; but I think there are about fifteen hundred.

Q. Did gas escape from all of them?—A. I do not know, but from what I understood.

By Mr. ELLISON :

Q. You do not know it yourself, do you?—A. I do not know myself anything about it

By Mr. PLAISTED :

Q. Did you not find the gas all through the building next morning ?—A. I was not the first man in the building. I did not find anything wrong at all myself. Mr. Ellison, I think, came in the building the first thing, and went up-stairs and remedied it, and told me afterward.

Q. What did he say about it ?—A. I did not hear him say anything.

Q. Did he say anything about it ?—A. Mr. Ellison intimated that he thought that Small had been there and had done something wrong ; but I told him that I did not think he could do so, because he had no keys to get to it.

Q. What else was said about the escape of gas by him at that time ?—A. I do not remember anything more.

Q. Did he say what he did to remedy the evil ?—A. No, sir ; he did not tell me what he did.

Q. Did he say anything about the amount of gas that had escaped ?—A. He did not, sir ; he did not say anything at all about that to me. The newspapers came out the same day or the next day, and stated that there was a thousand dollars' worth of gas that had been wasted on the occasion.

By Mr. YOUNG :

Q. Did anybody tell you anything about the waste of gas ?—A. I did not mention any particular individuals. I say it was talked of about the building ; it was common talk.

Q. Who talked about it ?—A. I could mention, I reckon, twenty-five persons about the building that were talking about it the next morning ; that is, about the escape of the gas.

Q. I understood that you said somebody had told you about this escape of gas ?—A. No, sir.

Q. I understood that you said you had a conversation with Mr. Ellison about it ?—A. I mentioned having a conversation with him.

Q. Whom did you say you heard it from ?—A. I did not say ; I said I heard it.

Q. Well, who did you hear it from ? I understood you to say that Mr. Ellison and somebody else were experimenting up there, and had allowed the gas to escape ?—A. Yes.

Q. Who told you that he and some other men were up there experimenting ?—A. Dave Small told me so.

Q. Where is Dave Small now ?—A. I do not know.

Q. Did anybody else tell you so besides Dave Small ?—A. I do not remember ; it seems to me some of the policemen told me when we were talking about it at the time.

Q. Can you give us the names of any individuals who have any actual knowledge on the subject ?—A. I do not know that I could think of any persons now particularly that saw those men around with him.

Q. Then you do not know how the gas happened to escape ?—A. Not of my own knowledge.

Q. Do you, by any information communicated to you ?—A. I just heard it in that way. Mr. Small told me that Mr. Ellison had left the valve open.

Q. You did not hear it from anybody else but from Small ?—A. I do not remember particularly.

Q. And he has gone ?—A. He is not here now, but he will be here, I presume, in a few days.

Q. Do you know where he is ?—A. He is in Philadelphia.

Q. Where does he stay when he is here ?—A. He lives right here on Fourth street.

By Mr. PLAISTED :

Q. Is the gas all through the building in charge of the engineer-in-chief ?—A. He is virtually held responsible for the whole of the gas throughout the whole building, including the dome and everything.

By Mr. ELLISON :

Q. You say that I asked you a question as to where the eccentric was located upon those engines ?—A. No, sir ; I did not say that.

Q. What did you say about the eccentric ?—A. I said that you turned to me and said, "Levi, those engines do not have any eccentrics, do they ?" Those are the words you made use of.

Q. You say that I asked you that question ?—A. Yes.

Q. And you stated that you never mentioned this matter until after you were dismissed ?—A. No, sir ; I never mentioned nothing about your coming to me.

Q. I just want you to answer my question and nothing more. You stated that you never mentioned that until after you were dismissed ?—A. No, I said I never mentioned to anybody the transactions between you and me.

Q. I am not talking about transactions now, but about this particular question with regard to the eccentrics ; you stated that you never mentioned that fact to anybody until after you were dismissed from here ?—A. No.

Q. Is that your answer to that?—A. Yes. I do not remember of mentioning it; I do not believe I did mention it to anybody.

Q. You did not go about the building traducing me, and making use of that, did you?—A. No.

Q. You never did?—A. No.

ROBERT H. RYAN sworn and examined.

By Mr. PLAISTED :

Question. Where do you reside?—Answer. I reside in Washington, No. 421 New Jersey avenue south.

Q. What is your business?—A. I am a general contractor.

Q. What is the subject of your contracts?—A. I have been a builder, a street-improver, canal-builder, railroad-improver, and so forth. I have been in various matters, and do most anything. My business is not confined to any particular branch.

Q. Does that comprise your whole business?—A. No, sir; I am an engineer by profession; studied it when a boy.

Q. A civil engineer?—A. No, a steam-engineer. I was an officer of the United States Navy during the war.

A. As engineer?—A. A portion of the time as engineer; another portion as line officer.

Q. Are you in any other business than those you have named?—A. Yes, I have been a broker and real-estate operator and general speculator.

Q. Have you speculated in patent-rights?—A. No, sir; I never got into that very deeply.

Q. Were you ever interested in patent-rights?—A. No, sir.

Q. Were you ever interested in any patent-rights for ventilation?—A. I have been spoken to by a great many parties about such things, and have some idea of those things myself; I am naturally inclined to mechanics, and like them. Mr. Atwood, a friend of mine, from New York, was on here a short while ago, and proposed to ventilate this building for you when you were in trouble here, and he made a proposition before some committee, I believe, to ventilate the hall. I did not think enough of it to take hold of it. I think his plan is a good one, by the way, but I did suppose this Congress would adopt it. The gentleman's name is Anson Atwood.

Q. Did you look into the matter?—A. Yes, to some extent. I think his plan was a good one.

Q. Did you become interested in his plan?—A. Not at all. He wished me to become interested, and he got permission to have drawings and things made, I believe.

Q. Did you promise to assist him?—A. Well, yes; if I saw a disposition in the House to make any change I thought I would take hold of it; that was my judgment.

Q. Your objection was, then, the indisposition on the part of the House to adopt any such plan?—A. The indisposition on the part of the House to pay for any such plan. I have had some experience in that respect with Congress; they do not always pay for things as I think they ought to.

Q. Did you have any conversation with Mr. Ellison about this plan of Atwood's?—A. No, I do not think I did. I simply introduced Mr. Atwood, who is a very excellent gentleman, but in reduced circumstances. I believe I said to Mr. Ellison, that if the committee saw fit to adopt that plan, I would like him to be friendly to Mr. Atwood; that is all; something to that effect. I had no interest in the subject, except to bring them together, knowing that they were both interested in the subject of ventilation.

Q. Did you have any further conversation with Mr. Ellison in regard to the subject of ventilation?—A. I do not remember that I did have any special conversation. I left Mr. Atwood and Mr. Ellison to talk it over; it did not amount to anything, I believe, though.

Q. Do you know whether he fell in with Mr. Atwood's ideas in regard to the plan?—A. I do not think he did. I do not think he approved of any plan. The way it presented itself to me, as I understood it was, that Mr. Ellison said he would hear them all and commit himself to none.

Q. Did he state to you that he thought there was some necessity for a change in the plan of ventilation?—A. I so understood it, that he thought there ought to be something done. I understood that one of his great objections to the present plan of ventilation was the cooking down-stairs, and the filth that was piled in a good many vaults down there—that the atmosphere had to pass through a great deal of this filth; and I quite agreed with him in that respect; and I thought it was necessary to have pure atmosphere; and that in order to have it pure it should pass through places that would have no noxious gases. I think that was the only theory I heard him advance.

Q. Did you understand from Mr. Ellison that he was favorable to the introduction of Atwood's plan?—A. I did not.

Q. Or any other plan?—A. No.

Q. You understood, then, simply that he was desirous that some plan should be adopted—

some new plan of ventilation?—A. I do not know that he said even that; he was not favorable to any plan, as I understood it. There were several plans suggested, and I thought he seemed rather cool as to all of them.

Q. Are you interested in any other plan beside the Atwood?—A. No, not at all; and I am not interested in that.

Q. Had any other inventor or owner of a plan of ventilation ever approached you on the subject, or sought to get you interested in the subject?—A. I think not.

Q. He is the only man, is he?—A. I think the old gentleman is the only man that has spoken to me on that subject.

Q. Do you remember what Mr. Ellison said at the time, on the occasion of the interview with you, when you brought Mr. Atwood and Mr. Ellison together?—A. I have not the slightest knowledge. I think afterward that Atwood told me that he did not think that Ellison would help him any, and did not know that he could; but I believe Atwood appeared before Mr. Young or this committee on this subject.

Q. Do you know whether Mr. Ellison is interested in any plan of ventilation of the hall?—A. I do not.

Q. Do you know anything about Mr. Ellison's qualifications as engineer?—A. I conversed with him when he first came, and found him to be a very intelligent man, and I considered him qualified. I am a practical engineer myself, and claim to know how to run an engine.

Q. From your knowledge of Mr. Ellison, acquired by that or any other means, do you pronounce him to be competent for the duties of his position?—A. I do, most emphatically. I consider him a very intelligent man.

Q. You do not know anything about his moral character, I suppose?—A. Nothing. I have only met him here.

Q. How many times have you met him here?—A. I do not know; perhaps fifteen or twenty times; I reckon as many as that; but I do not know whether I have met him so often.

Q. What business brought you together?—A. We met by accident.

Q. I mean what business brought you together those fifteen or twenty times?—A. I have called in at the House occasionally, as I have been passing down town, and met him.

Q. Did the subject of ventilation come up at each of those interviews?—A. Yes, sir. I called on one occasion for the express purpose of introducing Mr. Atwood; and I think on another occasion, to show some friends of mine, who were visiting me, the machinery. Those were the only two occasions that I ever called on Mr. Ellison, and those were the only business interviews I ever had with him.

Q. How long were you with him in the engine-rooms?—A. I might have been there an hour perhaps, or less.

Q. Your judgment, then, of his qualifications is based upon those few interviews with him?—A. My conversations about engines; when he came here first, I talked with him. I loaned him some books, and he ascertained that I was an engineer, and he wanted to converse with me, and I with him.

Q. Wanted you to post him?—A. He did not ask to be posted.

Q. What books did you loan him?—A. I loaned him Haswell, a kind of general handy-book.

Q. A handy-book for engineers?—A. Yes; containing rules of logarithms and so forth, that is necessary that a man should have, but which no man can recollect. I do not care how well posted he may be, he has got to have his books, to be a thorough engineer.

Q. Did he say to you he was a practical engineer?—A. I so understood him; he, however, said he had been an extensive plumber, and had had a good deal to do with machinery.

Q. What did he say about his experience as a practical engineer?—A. I do not remember now. We went into the details of an engine, and talked a good deal about it.

Q. For his benefit or for yours?—A. Well, it was a kind of mutual feeling; it is a sort of pet idea of mine. If you want to sit down and talk engine with me, I will do so with you at any time, or with anybody else who knows anything about engines.

Q. Were you studying up on the subject or were you posting him?—A. I do not know that I was posting him. It appeared to be interesting to him, and I know it always is with me, if I have time.

Q. Was this before or after his appointment?—A. Both before and after. We have discussed to some slight extent atmospheres and gases and water, and the component parts of each thing. It was a kind of exchange of ideas. I found him to be a pretty intelligent man, and a man interesting to converse with.

Q. At each of these interviews, did you have more or less conversation with reference to these patents for a system of ventilation?—A. No; I am not aware that there was ever the patents mentioned. This proposition of Mr. Atwood's is no patent; it is only an idea of his that he advanced.

Q. It is a plan or system?—A. It is a plan or system of his own invention; but he is a man of no means, and I told him that if he could get the House interested in it I would assist him, though I do not care to have any interest in it at all.

Q. How much conversation did you ever have with Mr. Ellison on the subject of Atwood's plan?—A. I do not think it was five minutes. I simply introduced Mr. Atwood, and said to Mr. Ellison that if he could do anything for Mr. Atwood I would consider it a favor to myself.

By Mr. ELLISON :

Q. Did you ever hear that Mr. Jones had made this remark as to the location of the eccentrics before he was removed from his position?—A. I never heard that Mr. Jones made any remark; but I will tell you what I did hear. I was in the House of Representatives one morning with a friend of mine before the session opened. I was showing him the House, and Mr. Sherman came to me and wanted to know if I would not buy a pet wheel. In that conversation he pulled out some papers by way of showing me the style of employes of our present House of Representatives. The subject of those papers was Mr. Ellison. I looked at them; and as I was looking at them Mr. Ellison came along. During that conversation Mr. Sherman made a remark, wanting to know what my opinion of Mr. Ellison was as an engineer. I told him that I thought he was a fair engineer. He said that he wanted to know whether I would consider a man an engineer who did not know that a direct-acting ordinary high-pressure engine did not have an eccentric? I told him that I did not believe anything of the kind, and that it was impossible that such a man as Mr. Ellison could have made any such remark with such information as I knew he had about engines.

Q. When was this?—A. This was six weeks or two months ago; it must have been fully two months ago.

By Mr. HARRISON :

Q. Cannot you give it to us exactly?—A. I cannot tell you exactly.

Q. Was it before Mr. Jones went away?—A. I do not know when he went away.

Q. He left on the 3d of April.—A. I think it was previous to that. I think, to the best of my belief, it must have been in March.

Q. Have you any way of proving the date?—A. No way in the world; I paid no attention to it.

By Mr. PLAISTED :

Q. Might it not have been three weeks ago?—A. It must have been more than that.

Q. Four weeks ago?—A. Yes; it must have been more than that.

Q. Will you state positively that it was before the 3d of April?—A. This is the 18th of May; yes, sir; I think I could.

Q. You think you could say positively that it was before the 3d of April?—A. To the best of my belief, it was six weeks to two months ago.

Q. Have you any data that would enable you to prove it?—A. Nothing but my impression as I look back at it.

Q. Who were the gentlemen that you were conversing with?—A. Mr. Sherman was one of them.

Q. What is his business?—A. I do not know.

Mr. Ellison explained that Mr. Sherman is one of the assistant engineers who had been removed.

The WITNESS. I never knew his name until that day, though. I had seen him a good deal about.

Q. Do you know whether he was then assistant engineer?—A. I judge he was not, from the tenor of his remarks.

Mr. PLAISTED. (To Mr. Ellison.) Who was turned out first, Sherman or Jones?—A. Sherman was turned out long before Jones.

The WITNESS. I judged from the manner in which he was talking that he was anxious to turn Mr. Ellison out.

Adjourned to May 20, 1876, at ten o'clock a. m.

WASHINGTON, D. C., May 20, 1876.

ALLEN T. SHERMAN sworn and examined.

By Mr. YOUNG :

Question. Where do you live?—Answer. No. 746 Seventh street, southeast, Washington.

Q. What is your occupation?—A. Engineer and machinist.

Q. How long have you been engaged in that business?—A. Since I was a small boy; from the time I commenced in the shop.

By Mr. HARRISON :

Q. How old are you now?—A. I am forty years old. I have chief-engineer's papers in my pocket from the merchant-service.

The witness produces a certificate or license as chief engineer, which, after having been read, was returned to him.

Q. Do you know George C. Ellison, the engineer of the House of Representatives?—A. I do, sir.

Q. Can you give the committee any information touching his mental or moral qualifications to discharge the duties of that office?—A. I do not know whether I could or not. I was there but a short time after he came there.

Q. State what you know about him of your own knowledge as to his qualifications as an engineer.—A. So far as that is concerned, when he came there I did not think he was a capable man, by his actions in working about pipe and taking down gas-fixtures; and he asked me questions a number of times about how to unscrew pipes; and I saw him handle tools in such a manner as to indicate that he was no mechanic at all. That is the way we judge of these things. I knew the man two or three weeks before he was appointed, through Mr. McGlensey, who was an applicant for the chief engineership here, and who had a letter from friends in New York stating the disqualifications of Mr. Ellison. Mr. Stewart, the House postmaster, saw the letter, and I believe it was sent to Mr. Adams before the appointment. I have met Mr. McGlensey a number of times since. I have met him (since he has received his appointment here as assistant engineer) in company with Judge Wright and other parties, and Mr. Wright and Mr. Alexander advised him not to take a position under Mr. Ellison, after furnishing this letter that he had. Mr. McGlensey said that he could not have got an appointment if he had not written these letters; the appointment was only given him to shut up his mouth.

Q. McGlensey told you that?—A. Yes; he told me that in Judge Wright's presence, and told Judge Wright that. He said, furthermore, in my presence, that heaven and earth could not remove Mr. Ellison; that he had fought his way in here by canceling a note, or paying \$500, he did not know which; he said he was telegraphed to come here and take the place. I saw him five days after he came here, before he took the place. He was advised by Mr. Wright and these other gentlemen not to take a position under Mr. Ellison; that he had proved Mr. Ellison to be such a scoundrel that it would not do for him to take the position; that it would be a disgrace for him to accept any position under him as assistant engineer.

Q. Whom did this conversation occur with; who was present?—A. It occurred with me.

Q. Who was present when these conversations occurred?—A. Judge Wright, and Mr. Alexander, and myself.

Q. Where was it?—A. At Mr. Alexander's office.

Q. What was the object of the meeting there?—A. I do not know what the object of the meeting was. I went there to see Mr. Alexander, and I met with Mr. Wright and Mr. McGlensey, knowing nothing of this matter at all before that. When I went in there and met Mr. McGlensey, a conversation was passing between them; they introduced me then to Judge Wright; that was the first time I saw that gentleman. Judge Wright told Mr. McGlensey that he knew Mr. Holman very well, and that if he, McGlensey would not take the position under Mr. Ellison he would feed him if he was hard up, and I said I would. Judge Wright said he would furnish him some money until he got a place if he did not take that one; but McGlensey said, "I have either got to take that one or do without any place." Mr. Alexander and Mr. Wright both advised him not to touch it, and that they both would do their best to get him the chief engineer's place after Ellison would be dismissed.

Q. Were they making arrangements about dismissing Ellison?—A. The outside parties were, on the strength of Mr. McGlensey's letters.

Q. Who were those outside parties?—A. Mr. Alexander and Mr. Wright.

Q. Anybody else?—A. Not that I know of.

Q. Did Mrs. Lockwood have anything to do with it?—A. I never saw Mrs. Lockwood in it or about it at all. I knew nothing of her until I saw her name in these letters.

Q. Were you an employé in the engineer's department?—A. Yes.

Q. How long did you remain there after Mr. McGlensey came?—A. I cannot say as to what day he was appointed, but I was discharged on the 10th of March.

Q. How long after Mr. Ellison came there did you discover his incompetency as an engineer?—A. Nearly the next day.

Q. Did you inform Mr. Adams that he was incompetent?—A. No, sir; I did not.

Q. Did you inform anybody else?—A. I told a good many that I did not think he was competent.

Q. Did you tell any officer or employé of the House?—A. Yes.

Q. Whom did you tell?—A. I guess I told them all.

Q. Do you mean all the officers of the House of Representatives?—A. All that were downstairs—a good many of them.

Q. Were you aware who had the appointing power—the power of appointing Mr. Ellison?—A. I supposed the same man appointed him that appointed me.

Q. Do you know what officer of the House had the power of appointing Mr. Ellison?—A. Yes, sir; Mr. Adams, I suppose.

Q. You did not take the trouble to inform Mr. Adams of his incompetency?—A. No, sir.

Q. What sort of screws was he taking down in connection with the engine?—A. He was taking down some screws connected with the pipes.

Q. Was there any machinery in that room?—A. No; nothing but the pipe.

Q. Are there any other facts within your knowledge that show Mr. Ellison's incompetency?—A. Nothing more than seeing him around the engine.

Q. Did you hear him say or see him do anything to show that he was incompetent?—A. No, sir; he had but very little communication with me; he asked me but very few questions about the engines.

Q. Can the competency or incompetency of an engineer be determined by taking off gas-pipes?—A. Yes, sir; of any mechanic that ever worked with a wrench or even a pair of tongs. If you take a mechanic and blindfold him, and hand him anything to be unscrewed, he can unscrew if there is any sense of feeling in his hands.

Q. You think a man who could not take off a gas-pipe properly could not run an engine?—A. No, sir; he could not be a mechanic. I had a talk with a man by the name of Ryan, whom I have known for a number of years; he came to me here on the House floor one morning before the House was in session, and wanted to know why I wanted to persecute this man Ellison. I told him I was not persecuting him. I merely showed him a letter that I got from Mr. Alexander, that came from Mr. McGlensey. He read the letter, and wanted to know why I was persecuting Ellison. I told him that I was not persecuting him. I said to him, "How did you get acquainted with Ellison?" He said he had met him two or three times before he was appointed, and had taken him to his house, and given him books, and schooled him for two or three weeks. He told me, too, that he had an old man living with him, Ryan said, that he had taken pity on for a couple of years, who had a ventilator, and I think he represented to me a patent ventilator; that Mr. Ellison had offered that he would introduce it into the House, provided he would get the appointment of engineer of the House. Ryan said that he also introduced this man to Mr. Hayden, the chief engineer of the Senate; and he said to me that he thought I had better drop Mr. Ellison and go for Mr. Hayden, for Mr. Hayden was more mixed up in it than Mr. Ellison was. Those are the words that Mr. Ryan gave me.

Q. Did you go for Mr. Hayden?—A. I did not, sir.

Q. What was the purport of this letter that you were exhibiting about Mr. Ellison?—A. There was no purpose in it at all.

Q. Did you carry it around for fun?—A. No, sir; it was sent to me to read.

Q. Did you show it to anybody else?—A. To a number of people.

Q. Why was it sent to you?—A. I could not tell you why.

Q. Was it sent to you because you were a friend of Ellison's, or what?—A. I could not tell you whether it was sent to me because I was a friend or an enemy. I was not an enemy of his.

Q. Did you take it to Mr. Ellison?—A. No, sir.

Q. Did you to other people?—A. I showed it to other people. Mr. Ellison came to me one day and asked if I had heard anybody talking about him, and I said if I had I was not obliged to tell him; and he said, "If you hear anybody talking about me, and you hit him, I will give you \$50."

Q. Whom did you show the letter to?—A. I guess to a dozen people.

Q. Did you show it to any of his friends?—A. Yes.

Q. Who were they?—A. Mr. Stewart, I believe, an assistant engineer down-stairs. Mr. Ellison has told him, I believe, and others, that heaven and earth could not move him out of here.

By Mr. HARRISON:

Q. That is only what you heard?—A. I believe Mr. Stewart will testify to that. Mr. Ellison himself said but very few words to me.

By Mr. YOUNG:

Q. What are your feelings toward Mr. Ellison?—A. They are as good, sir, as any man's can be.

Q. Are you his friend?—A. I am just as much a friend of his as I could be to anybody under the circumstances.

Q. Do you ordinarily suppress information to your friends?—A. I do, sir, and have done it; I have done it in this very House.

Q. What reasons induced you to suppress it?—A. If I saw anything going on wrong, I think it is my duty to say it to persons of more responsibility.

Q. Can you give any explanation or reason why you did not make this known to Mr. Adams?—A. I had gone to Mr. Adams before when things were being said about the thievery in the engineer's department, and I never heard of notice being taken of it.

Q. Did you notify Mr. Adams of stealing going on there?—A. I have done so, sir; but not while Mr. Ellison was there.

Q. What sort of stealing?—A. The stealing of pipes, and things taken out of there?

Q. Did he take any measure to prevent it?—A. I never hear of any.

Q. Did you communicate it to any person?—A. I did.

Q. Tell us what you said.—A. I stated to Mr. Adams that there was considerable thievery going on down-stairs after he was appointed; that the old engineer was getting away with a good deal of stuff—taking stuff away from the House. Mr. Adams wanted to know what

it was. I told him one thing was pipe, another was a drip or coil, and another thing was mercury.

Q. What is that engineer's name?—A. It was Miller.

Q. Where is he now?—A. I could not tell; in Virginia, probably, on his farm. I went to Mr. Adams personally. I told Mr. Johns, who is an employé of the House, when the thing happened, and he communicated it to Mr. Adams. I told it to Mr. Ellison, and Mr. Ellison told me one day that he had followed it up, and found where it was offered for sale, but that it was not sold there.

Q. Is that the only reason why you did not communicate to Mr. Adams the fact of Mr. Ellison being incompetent when you ascertained it?—A. Well, I was holding a position here, and I did not want to interfere with other people's business.

Q. Then you were, too, trying to hold on?—A. Yes.

Q. When you got out, however, you communicated it?—A. When I got out, this thing had got about, and I met Mr. McGlensey a number of times and talked to him. He was the man that gave me these points: he showed me his letter, and I read it.

Q. You did not take any pains to keep it from circulating?—A. No pains at all.

By Mr. HARRISON:

Q. You showed that letter just as you would show anything of a scandalous character to anybody?—A. Just the same, sir.

Q. If you were to hear of a scandal about any man in whom you took any particular interest, with whom you felt simply friendly, would you go to that man and tell him about the scandal?—A. I should hardly do it; I hardly ever interfere in that way.

Q. In other words, you would talk to a friend about a fault or scandal of another person somewhat freely, when you would not go directly to him and do it?—A. Yes, sir; still, I have always made it a practice never to talk much about any man, even about things I have read in the newspapers, whether they were officers of the Government or not, unless I heard it very directly, and unless it was on very good evidence that the party was in some way mixed up.

By Mr. ELLISON:

Q. How long is it since you were removed from here?—A. The 10th day of March.

Q. How much were you getting a month when you were there?—A. I got \$1,440 a year.

Q. Did you have any other income while you were here?—A. No, sir.

Q. Do you keep house in this town?—A. I do.

Q. How long have you lived in the District of Columbia?—A. Four or five years the next 4th of July.

Q. You have never lived anywhere these four or five years but in this city, have you?—A. I have steamboated some since I have been here, and dredged some, and have lived down in the navy-yard; but my family have been here.

Q. Are you a man of property?—A. No, sir.

Q. Have you any means at all?—A. I manage to make a living for myself and family off my trade.

Q. Are you in debt to-day?—A. I do not know that that is any of your business.

Q. You felt as though you were able to support Mr. McGlensey until he got a place, did you?—A. I did, sir; and am able to-day.

Q. Have you done any business since you left here?—A. I have.

Q. Have you earned a dollar since you left here?—A. I have.

Q. How have you earned it?—A. I got a contract from Mr. Clark, the architect; he wanted some manure put in, and I put in a bid for a couple of hundred loads, and got the contract.

Q. Have you done any work since then?—A. No.

Q. You are acquainted with Mr. Clark?—A. Yes.

Q. How long since you saw him?—A. I saw him this morning in this building.

Q. How lately have you talked with him about my removal?—A. It must have been a month or six weeks ago, I guess.

Q. Not later than that?—A. No, sir; I do not think it was.

Q. Has it not been within ten days?—A. No; I do not think it has been within ten days.

Q. You did talk to him about it six weeks ago, did you?—A. I think so—may be a month.

Q. Where did this conversation take place?—A. I think here, at the door of this committee-room.

Q. You spoke of some mercury being carried away while you were there?—A. Yes.

Q. Who took the mercury out of the building?—A. I could not tell you exactly.

Q. Do you know that any mercury ever went out of here?—A. I guess you do.

Q. But I am asking whether you do?—A. I know it by hearsay.

Q. Did you not tell me that Mr. Miller had carried mercury away, a canister of it?—A. I said he and his party.

Q. And took it to a drug-store and tried to sell it?—A. I did not say to a drug-store.

Q. To Mr. Kempler's?—A. I said to Mr. Kempler's; he is not a druggist; he is an optician.

Q. What other goods were taken away that you know of?—A. I saw a couple of coils of pipe go out of here myself.

Q. Iron pipe?—A. Yes, sir.

Q. Was it carried out on the shoulder or in a wagon?—A. Carried out by a fireman into a wagon at the porch.

Q. Whose wagon?—A. I knew it was Mr. Miller's wagon.

Q. Is that the same Mr. Miller who was the chief engineer while you were here?—A. I could not tell you whether it was or not. Since I told you about that, other persons have told me that it was not the chief engineer Miller, but that it was the Miller that was a carpenter here, I believe; that it was carried off by him.

Q. What else did they carry away?—A. I told you at the time that they carried away a steam-trap.

Q. Did you make any attempt to stop the taking away of those things from the Capitol while you were here?—A. No, sir.

Q. You did not report it either at the time?—A. No, sir.

Q. You did not mention it to anybody that would be likely to stop it?—A. No, sir.

Q. Did you ever have any "divvy" in those goods?—A. No.

Q. Never received a cent from them?—A. No.

Q. Were you engaged during that time here?—A. I was.

Q. You were under Mr. Miller?—A. Yes.

Q. Were you acquainted with Mr. Jones?—A. Yes.

Q. Is he a sober man?—A. I could not say that he was strictly sober; he most generally was; I have seen him when he was not.

Q. You have seen him when he was not sober?—A. Yes.

Q. Was that after I came here?—A. Yes, sir; and before.

Q. What was his condition when he was not sober? Was he incapacitated for business?—A. No; I do not think he was. I think when he was intoxicated he was capable of attending to any business of his own, or to any machinery, so far as I ever saw.

Q. Was he frequently in that condition during the time he was under me?—A. I have seen him once or twice, while you were here, in that way.

Q. How many times did you call my attention to the fact that he was drunk?—A. I think twice.

Q. But you saw him on other occasions when you did not call my attention to it?—A. I saw him before you came here.

Q. You have seen Mr. Jones about how many times do you think when he has been pretty drunk?—A. I have stated to you twice since you have been here.

Q. You called my attention to it twice, you said, but you have seen him at other times when I was not here?—A. I said twice.

Q. Between the time I came and the time you left?—A. Yes.

Q. Where did he get his liquor from?—A. I could not tell you.

Q. Did you ever drink with him?—A. No, sir.

Q. Not in the restaurant here?—A. Not while I was engineer of the House.

Q. Did you never go in and drink with him in the room down-stairs?—A. Not while I was engineer of the House, and not since you were there.

By Mr. HARRISON:

Q. Was Mr. Jones, at the time you spoke to Mr. Ellison, very much intoxicated?—A. He was a man that could walk around and work any time, even with all that he drinks, and without staggering or stumbling, or anything of that kind.

Q. Was he at either of those times so much intoxicated that he was incapacitated to do his proper duties as an engineer?—A. I think he could do it every time that I saw him; he is a man that drinks very little; sometimes considerable; but it is more noticeable in his features than any other way, and sometimes in his talk; but as to his being a man that stumbles or lies down, that is something I never saw him do.

Q. That is, you do not think him a drunkard?—A. No, sir; he is not a drunkard.

By Mr. ELLISON:

Q. Were you acquainted with the location of the main coils for heating the main hall?—A. Yes.

Q. How many coils were there located there together?—A. There were four; we took out one last summer; there are three now, unless that one has been replaced.

Q. Where does the steam enter the coils? At what part of the coil does it enter?—A. I never examined.

Q. Do not you know whether the steam goes in at the bottom of the coil or at the top?—A. No; I never examined.

Q. You do not know, then?—A. Of course I do not; I tell you I never examined.

Q. Is there any way for the steam to enter the coils at the bottom?—A. I do not suppose there is.

Q. Then it must enter at the top?—A. I know how to put up a coil, or anything of that kind, but I never examined to see where the steam goes in.

Q. Did you ever turn on the steam?—A. I did one night, when you told me to.

Q. Did you turn it on the coil?—A. I opened the main; I did not turn it on the coil.

Q. Do you know how much steam you turned on?—A. I believe there was about thirty pounds pressure on the boiler, and I opened it about half-way.

Q. How much steam does that turn on to the coil?—A. If you shut the traps and give it way, there is as much pressure as there is on the boilers.

Q. Was there any breaking on those machines while you were there?—A. I never saw any but a little sand-hole last year.

Q. You think the coils are in perfect order now?—A. I cannot say up to now.

Q. They were, up to the time you left?—A. They were up to the time I left, or that Mr. Miller left, I believe.

Q. What makes you think so?—A. Because they were working with full steam, and no leakage.

Q. How do you know there was no leakage in the coil?—A. Because I was in the room directly under it.

Q. You said you never had gone in there to examine?—A. I said no such thing.

Q. Have you ever been in to examine the coil?—A. I never said I had been.

Q. Have you ever examined the coil?—A. I will state to the committee that these coils are placed with an iron grating underneath them; they are in a room called the coil-room, which is locked up; there is an air-duct underneath directly from the engine. If you step into that coil-room you can see all leakages that come from the coils without going to the coils themselves, or within thirty feet of them. That is why I say there were no leakages, because I was passing in there every day, and there were no leakages coming through; and if there had been a leakage it would certainly have come through.

Q. You say you were in the habit of passing in there every day?—A. Mostly every day.

Q. Was that the engine that you had charge of, the engine that stands by the coils?—A. No.

Q. What engine did you have charge of?—A. The exhaust engine.

Q. You had nothing to do with the large engine?—A. No, sir; except any time that Mr. Miller asked me to do anything about the engine, I would do it.

Q. But I am speaking of the time after I came there. After I came you confined your duty entirely to the exhaust engine, did you not?—A. Yes.

Q. Is there any way of turning on the steam by which these coils can be injured?—A. I suppose if one was to open the main with a good pressure on, he could easily burst those traps; if you were to turn it on all of a sudden, the pipe being cold, would burst.

Q. And you have seen the coil with thirty pounds of steam on, have you?—A. I have seen them, I say, about half opened.

Q. You say you could get the same pressure on the steam-coils that you have on the boiler, do you?—A. Except with "a condense."

Q. You could get just the same amount of pressure?—A. Maybe not exactly the same.

Q. Could you get within 50 per cent.?—A. O, yes.

Q. You are sure of that?—A. Yes.

Q. Are you sure of 75 per cent.?—A. Well, we will take 50 anyhow, and call it that.

Q. You never knew of those coils being broken, did you?—A. When do you speak of?

Q. Any time while you have been there, before or after my appointment.—A. I never knew any of them to be any ways injured by the steam.

Q. You said there were three coils before this time?—A. Yes; one was taken out last summer.

Q. Why was that coil taken out?—A. To give more space for cold air to be admitted to the hall. The pipes took up the room, so that they could not get as much cold air as they wanted.

Q. Was it taken out for any other reason than that?—A. Not that I know of. That was the reason I heard stated by the chief engineer.

Q. You do not know whether it was taken out because the pipe was bursted?—A. It was not taken out for that.

Q. Did these pipes ever freeze while you were there?—A. No, sir.

By Mr. HARRISON:

Q. You say that they were never frozen. Do you say that of your own knowledge, or merely that you had no information that they had been frozen? Might they not have been frozen and been repaired without your knowing it?—A. I hardly think so; it was our duty when any such thing was done to attend to it. Mr. Miller would say, if anything happened, that Mr. Owens, the plumber of the House, should be got to fix it, and he would have us go in and help repair; but I never knew of any of them being frozen.

Q. You think, then, that these coils were taken out to give air and not because they were damaged?—A. To give room for air.

Q. Do you know that of your own knowledge, or simply that you heard it?—A. I heard it from Mr. Clark, who stated to Mr. Miller that the coils filled up the room very much, so that there was just a small opening for the air, and by taking that coil out it would admit cold air in greater quantity. Of course I do not know it of my own knowledge.

Q. You would have attended to any of that sort of thing when you were ordered by your superior officer?—A. Yes.

Q. And you have never done it?—A. No, sir. If anything was wrong it would have been told by me, and he would have ordered it attended to.

By Mr. ELLISON :

Q. Did you say you had been furnishing to Mr. Clark some manure ?—A. I said I furnished some to the Capitol grounds ; yes, sir.

Q. Are you acquainted with Dr. Nichols, of the Insane Asylum ?—A. Not much ; I have seen him once or twice.

Q. Have you ever visited the institution ?—A. I did once—two years ago next month.

Q. Did you ever go into that building within the past month ?—A. No, sir ; not within two years ; it will be two years in July.

Q. Have you ever been employed in any way by Dr. Nichols ?—A. Not at all.

Q. Have you been before any committee that have been investigating the Insane Asylum ?—A. Not any more than to sit in the room and to hear the evidence.

Q. You have never been called as a witness before that committee ?—A. No.

Q. Are you acquainted with Surgeon-General Barnes ?—A. No, sir.

Q. Did you say you were acquainted with Dr. Nichols ?—A. No, sir ; but I have seen him.

Q. You have been introduced to him ?—A. No, sir ; I do not know that I have ; I do not know but what I may have been.

Q. Are you acquainted with any officer of the Insane Asylum ?—A. No, sir.

Q. Do you live near it ?—A. I live in sight of it.

Q. Are you acquainted with any of the inmates ?—A. Only one man, by the name of Bright, a New York man, who has been there a number of years.

Q. What is his first name ?—A. I do not know his first name.

Q. About how old a man is he ?—A. About sixty-five or seventy.

Q. How long has he been there ?—A. I cannot tell you.

Q. He is in there as an inmate, is he ?—A. Yes.

By Mr. MCGLENSEY :

Q. At the time of the meeting in Mr. Alexander's office, were not you and Judge Wright and Mr. Alexander in the office before I came in ?—A. I cannot state about that ; I may have been there before you, but you were certainly there very soon either before or after I came.

Q. Did not Mr. Alexander introduce me to Judge Wright ?—A. Not at that time.

Q. Who did ?—A. I do not know. I never knew that you were introduced to him ; I was introduced to Mr. Wright.

Q. Did not you and Mr. Wright state, in less than two minutes, that if I accepted this appointment it would be covering everything up, and that you would both of you fight me as hard as you fought Ellison, and would guarantee that in less than three months you would have me out ?—A. I never knew such things ever transpired at all. Mr. Wright made a remark to you, and I think Mr. Alexander said the same thing to you, " Why, Jim, if you take that place under Mr. Ellison, we will try and serve you the same as him when he has to go." That was for taking the position after furnishing these letters.

Q. After you assured me that you would board me until I got a place, and I spurned the offer, did not Colonel Alexander tell you both that you were talking to the wrong man ?—A. Not that I heard. I did not hear any such remark made by Mr. Alexander.

Q. Did not you afterward come to the top of the stairs here with Mr. Parker or some other gentleman, when I was running this engine, and tell me to recollect what you had told me in Colonel Alexander's office, and did not I tell you then that I was the worst man in the world to undertake to fight ?—A. I do not think I had any conversation with you down-stairs ; I have never been down-stairs but once since I have been dismissed, or possibly I might have been there oftener.

Q. Did I ever write a letter to you ?—A. I do not know that you ever did.

Q. How came you by my letter, sir ?—A. I got it from Mr. Alexander.

Q. What authority had you to say that that letter was mine ?—A. Your name was signed to it.

Q. How do you know it was my name ?—A. I do not know any other McGlensey.

Q. Were you ever introduced to me ?—A. I was, sir.

Q. Who by ?—A. By John Roane ; this was before you were appointed ; he gave me an introduction to you, and told me that you were a competent, capable, and scientific man, and worthy of the position of chief engineer of this House.

Q. What letter is this that you say I showed you ?—A. I do not know what letter it was. I read a part of it, and the purport of it was something about Mr. Ellison being mixed up in those naval stores, or stealing at the navy-yard.

Q. Was it signed by me ?—A. I cannot tell you who it was signed by ; you told me you had received it from New York, and had showed it to Mr. Stewart, the postmaster, before Mr. Ellison was appointed, and you said you were going to send it to Mr. Adams. When I saw you afterward, you said you had sent it to Mr. Adams, and that he would pay no attention to it.

Q. What time did you get this letter that you were carrying around ?—A. I got that letter while you were in New York ; you sent it to Colonel Alexander ; the committee have the letter.

Q. You are sure I was the man?—A. Your signature is to it; you can see it if you want to; the committee have the letter.

Q. You are willing to be qualified that it was my signature?—A. I heard outside parties say that you acknowledged it. The committee have the letter, and they can ask you whether it is your letter or not.

Q. Did you ever hear me accuse Mr. Adams of receiving any money?—A. I heard you say, as I have stated before the committee, that you were going to take this place. One day, sitting out here under the shade-trees in these grounds, you said Mr. Adams would not appoint you even to a position in the folding-room before you went away and sent these letters; and now, the only thing that he appointed you for was to shut your mouth. I said to you, "Mr. McGlensey, do not you take that place until Mr. Ellison gets out. Mr. Wright is a very responsible democrat, and Judge Holman is a great friend of his, and they will probably put you in as chief engineer there;" and you said, "They cannot move Mr. Ellison; and if I do not take this position I will not get any, because Mr. Ellison has bought the place either by \$500 or by the canceling of a note, I do not know which."

Q. When was that—since I have been appointed?—A. I will not say since you have been appointed, for I do not know when your appointment was made exactly; but you told me and Colonel Alexander that you were telegraphed for to come and take a place as assistant engineer.

Q. That was under the shade-trees out here, was it?—A. You told that in Colonel Alexander's office, that you were sent for by telegram; and they advised you not to take it. It was between the time that you said that in Colonel Alexander's office and the time that you accepted the place, or went to work in it, that you told me this.

Q. Who was present when I told you?—A. I do not know; there was another gentleman sitting on the seat with me, but I do not know who it was.

By Mr. YOUNG:

Q. What motives actuated you in inviting Mr. McGlensey to your house until Mr. Ellison was removed, and what motives actuated you in circulating those letters?—A. Nothing more than to see a competent man and a mechanic have the position instead of a man that was not a mechanic.

Q. Then you were actuated by considerations of the public welfare?—A. Yes, sir.

Q. Did it not occur to you that it would serve the public interest by making known this fact to Mr. Adams immediately after you discovered it?—A. It did not occur to me to go and say anything to Mr. Adams.

Q. Who are these parties that you had a conference with in reference to this matter of Mr. Ellison, and what was the object of that?—A. I do not know how many; there were a great many. There was no object in it at all, any more than I have stated, that I claim that Mr. Ellison was not a competent man.

Q. Were you willing to pay, in order that that public interest might be served, to take Mr. McGlensey to your house and keep him there without charge?—A. Mr. Roane told me that Mr. McGlensey was a good mechanic; and if a man was on short allowance under circumstances of that kind, rather than have him take a position, after having written the letter that he did, I would board a man, if he was a first-rate mechanic, a week or two until he got a position.

Q. It would have cost you something to have kept Mr. McGlensey?—A. Certainly.

Q. Were you willing to contribute to the public welfare out of your own means?—A. Yes; and I am to-day.

Q. How much would you contribute to start Mr. Ellison out now and put a good man in his place?—A. I would not contribute a cent.

Q. Did you have any purpose of removing him when you invited Mr. McGlensey to your house?—A. None at all—any more than that he was not a mechanic in my estimation.

Q. And for that reason you were willing to contribute to that extent to his removal.—A. Any mechanic that would come to me when he is wanting a position, or when he is expecting to get a position, or anything of that kind, and I think I can help him by feeding him, or anything of that sort, a while, I will do it.

Q. Even a party you have never known?—A. Yes; if the other man is not a mechanic or is an incompetent man.

Q. As I understand, then, you were actuated by a desire for the public interest, and by no personal feeling at all?—A. None at all, sir.

By Mr. HARRISON:

Q. When you say you were actuated only by a consideration for the public interest, let me inquire, is there or is there not among mechanics the feeling that they should stand by each other, and a disinclination to have one whom they believe to be not a mechanic to be put in a position in which a practical mechanic should be?—A. The feeling among mechanics (I have belonged to several of their associations, though I do not belong to them now) is that when a man is known to be a good mechanic he ought to be helped along by mechanics as against a man who is holding a position and who is not a mechanic. That man is generally supposed not to give good mechanics a good position under him, or

with him: and we would rather see a man have a position of that kind, or as an engineer, who would be a benefit to our people, than to see a man not a mechanic have it.

Q. If you were to see an engineer appointed to the navy-yard, and were to learn that he was not a competent man, and was not a regular licensed engineer, would you or would you not try to have him put out?—A. If I thought he was an incompetent man, or there was any danger of his running a steamboat, where the lives of any people were in danger, I should try and report it to have him removed.

Q. Would you do it simply for the public good, or because there is among mechanics the feeling that you have described?—A. No, sir; I should do it for the public good.

By Mr. YOUNG:

Q. Such a thing as that ought to be known at once, ought it not, before any harm resulted?—A. Yes, sir.

Q. Would it not have been better to have made known the fact of Mr. Ellison's incompetency the day after you discovered it?—A. I suppose so.

Q. But you did not do that?—A. No, sir.

Q. You did not make it known after you were discharged?—A. I supposed it was known by everybody.

Q. You did not make it known?—A. I did not tell anybody particularly about it.

By Mr. HARRISON:

Q. When you were under Mr. Miller, if Mr. Miller had been doing something wrong, would you have gone directly to the then Clerk of the House and told him that he was doing wrong, or that you would have felt that it would have cost you your place and would not do it?—A. I should have done it, sir, regardless of the place.

Q. And then why did you not go to Mr. Adams at once when you found this man incompetent?—A. Now you speak of incompetency; I do not know that I would speak to any Clerk of the House about that; he placed the man there, and ought to know whether he was incompetent or not. The reason I did not go to Mr. Adams about this was that I heard that Mr. Ellison had passed an examination before the board, and it was satisfactory; and I was satisfied that my saying that he was an incompetent man would not override the words of Mr. Wood.

By Mr. ELLISON:

Q. Where did you serve your apprenticeship?—A. In Buffalo, N. Y.

Q. In what shop?—A. John D. Shepherd's.

Q. How long an apprenticeship did you serve there?—A. Seven years.

Q. How long have you followed the position of engineer?—A. I think I went to the trade at fourteen years of age. My father was the master-mechanic of the shop. I served there seven years. At that time I went on board a steamboat as a greaser; from that into a fire-room; from there to a tug-engineership; from that to third, second, and first assistant, and then chief engineer. I have been all the way up.

By Mr. PLAISTED:

Q. Did you ever see Mr. Ellison's certificate as an engineer?—A. I never saw it.

By Mr. HARRISON:

Q. Did you ever state to Mr. Adams that Jones and Miller worked in "cahoot" and did not give you a show, and that you wanted to prove that you were a better man than any of them?

The WITNESS. Give me a "show" how?

Mr. HARRISON. As an engineer. Tell us what your conversation with Mr. Adams was.—A. I do not think that the conversation between me and Mr. Adams went on to anything of that kind. I do not remember it. It might have been about an engine, but I do not think it was.

By Mr. ADAMS:

Q. Did you ever have any conversation with me to the effect that Mr. Jones and Mr. Miller had intentionally kept concealed from you the pipes or valves, or other things about the engine, and that you had to find out for yourself by crawling through the chinks, and one thing and another, and that your ambition was to remain longer than the rest of the crowd?—A. Yes, sir; those were the exact words that I stated to you.

Q. You say you had some such conversation with me after I came here?—A. Yes.

Q. During all this time that you knew Mr. Miller, the chief engineer, and Jones, the assistant engineer, were purposely keeping you in the dark, and endeavoring to conceal from you the valves and pipes, and other things, did you ever, for the good of the service and the public interest, go and talk with Mr. McPherson, the former Clerk of the House, under whom you were serving, about these things?—A. I never saw Mr. McPherson but once. I had no conversation with him at all, except merely what Mr. Miller sent me to say to him.

By Mr. HARRISON :

Q. Then you did not go and tell him?—A. I did not. As soon as I found out that anything was going wrong, and how they were acting, the House was out of session. It was last year. The House adjourned on the 4th of March. I never saw Mr. McPherson, although I believe he was here a number of times during the summer. From that time until the House met last fall, on the organizing of the House, that was the first I saw of him. I was not even assigned by him after I was appointed. I was assigned by his chief clerk.

By Mr. ADAMS :

Q. As an employé of the House, appointed by Mr. McPherson, and interested in the good of the service, did you not feel it your duty, if men were guilty of such conduct, to call somebody's attention to it?—A. I did.

By Mr. HARRISON :

Q. Were they doing anything for the public injury; that which you knew was for the public injury?—A. No; the injury was for myself, to keep me from learning these pipes, or anything of that kind. The point was that they wanted to remain here whenever a change took place, so as to teach the new man.

By Mr. ADAMS :

Q. Did you say anything about my knowing that Miller or Jones were taking any property before I came, such as buckets of mercury?—A. I did, sir.

Q. Had you ever said anything to Mr. McPherson about these things?—A. I told you that I had never seen Mr. McPherson from the day I was appointed until the day the House organized last fall.

Q. If they were taking public property away from there, and it came to your knowledge, what would you have felt to be your duty? Would it not be to apprise Mr. McPherson of these facts?—A. I did as soon as I could get any kind of a chance to see you. You were clerk of the House then, and I sent you word by Mr. Jones, an employé of the House, who I think has charge of the gallery-men, and he told me that he told you about this thing. I sent you word that the chief engineer was taking these things away from the place.

Q. Which chief engineer are you referring to—Mr. Miller or Mr. Ellison?—A. Mr. Miller. It was just after you were appointed Clerk of the House. I believe Mr. Ellison has found where those things were offered for sale.

WASHINGTON, D. C., May 20, 1876.

JAMES MCGLENSEY sworn and examined.

By Mr. YOUNG :

Question. You have heard the testimony of the witness that has just left the stand in reference to his conversation with you; is that true or not?—Answer. Not true, the most of it.

By Mr. PLAISTED :

Q. Wherein is it not true?—A. The only conversation that I had with Mr. Sherman about my appointment after I returned from New York, and after receiving the telegram, was in Mr. Alexander's office. I went in there; Judge Wright was there, Mr. Sherman, and Mr. Alexander. When I went in the colonel called me and stated to me, "Here are these gentlemen, Judge Wright and Mr. Sherman," and then began to blackguard me about accepting this position.

Q. Who are "they"?—A. Mr. Sherman and Judge Wright. Mr. Sherman said, "McGlensey, you are only getting that position for the purpose of saving Ellison." Said I, "Gentlemen, I understand exactly what position I am in; I know my own business." Then Sherman said, "Mr. McGlensey, if you do not accept that position I will keep you for a month at my house; and I have got as good a house as there is in the city; and I jumped up off my chair and said, "I am no beggar, sir." With that, Judge Wright says, "I will contribute money for you;" but I spurned it. I said, "I want no man's money but my own." On this Judge Wright said that he had a son who had applied for the position, but that Mr. Adams had never notified him about the examination, and that he could prove that Mr. Ellison held Mr. Adams's notes. That was the conversation they had; they want now to show that I stated that; that it was I who stated that. It was not I, but it was Judge Wright who said that Mr. Ellison held Mr. Adams's note, and that he could prove it.

By Mr. HARRISON :

Q. Judge Wright said that?—A. Judge Wright said that. There was something that Mr. Sherman said, too, that he could prove; he said that he could prove that Mr. Ellison offered him \$50 if he would punch Colonel Alexander's head. Colonel Alexander said, why did not he come and do it himself? That was the only conversation I had with Mr. Sher-

man. I did not see him from that time until after I took the position here, when one day another gentleman came down; I was working about the engine; they stood on the steps on the big engine; they said, "Good morning, Mr. McGlensey." I said, "Good morning, Mr. Sherman." I always return every man's salutation. They came into the room, and said, "You are hard at it;" they said, "It is not your business to be cleaning up; why do you not make some of these others clean up?" Said I, "I know my business, and if they do not do it I will; and," said I, "That is all right." They said, "You are an engineer;" and I turned round and said, "Mr. Sherman, no one can scare me; you know that I am a bad man to undertake to fight, and you had better leave me alone; but," said I, "You can do as you please about it." That is the only conversation that we had.

Q. Did you ever have any conversation with Mr. Sherman on the grounds of the Capitol?—A. Never but once, and that was in February.

Q. Are you positive of that?—A. I am positive of that, because I returned home in February. That was the only conversation I had with him in the Capitol grounds, and it was warm enough to be sitting out at the time. He came to the hotel to me two or three times, and notified me that I was going to be ordered to the examination.

Q. Who did?—A. Mr. Sherman. He wanted to know if I received a letter that I was to be notified to appear at the examination. I had not received the letter at the time, but he told me there would be one there for me.

Q. Are you certain that you never after that had any conversation with him in the Capitol grounds?—A. I am positive—positive beyond a doubt; and if ever a man had conscientious scruples in taking an oath I have, sir; I believe in it seriously. I never met him or had the least conversation with him in the Capitol grounds after my appointment.

Q. Are you certain that in the conversation at Colonel Alexander's office you did not say anything about a note?—A. I am perfectly positive of it—perfectly positive, because I could not say it, for I know nothing of it.

Q. Are you positive that it was not before Sherman's discharge that you met him on the grounds?—A. It was before his discharge that I met him. I never met him since in the Capitol grounds. He was not discharged until after I went to New York.

Q. When did you go to New York?—A. I cannot give you the precise date, but it was in the latter part of February.

Q. But it was before you went to New York that you met him?—A. Before I went to New York. That was the only time that I ever had any conversation whatever with him in the Capitol grounds.

Q. When did you return from New York?—A. I think it was on the 25th of March.

Q. May you not have met him after you returned from New York?—A. In the Capitol grounds?

Q. Yes.—A. No, sir. I am positive of it; and I have got as good a memory as any man in the world. The only place I met him was, as I stated, in Colonel Alexander's office that morning.

Q. That was in February, before you went to New York?—A. No, sir. It was in April, when I came to accept this position. I went in there, and it appears that they had met somehow or other, and knew that I was in town and was going to accept this place, for they didn't hardly wait for the introduction.

Q. How came you to go to that office?—A. I went there to see Colonel Alexander. I have known him from boyhood.

Q. You were not invited?—A. No, sir; not invited. I stopped in as an act of courtesy to the colonel, as I would stop in to see any gentleman.

Q. Were you not there almost every day—nearly every morning?—A. I was there two or three times and did not see the colonel. I went there and told him, "I am sick, and I want to go away somewhere out of here, and you fellows have got me here."

Q. That was after you returned?—A. Yes; after I returned. I went there two or three times, but didn't see him, and then I went there and saw him, and he said, "Keep quiet. Go out somewhere, and do whatever your member tells you." And I did that. I was taken sick at that time, and he knows it, and they all know it.

By Mr. PLAISTED:

Q. Did Mr. Adams ever see any of those letters which you had reflecting upon Ellison?—A. I cannot tell what Adams saw, because they floated around here pretty loose, some of them, somehow or other.

Q. Did you write Mr. Adams any letters?—A. No, sir; never in my life.

Q. You never sent him any copies of letters, did you?—A. Of mine?

Q. Of those others?—A. I believe there was one letter that was sent to me from New York that was given to Adams in mistake for another letter, and I think he filed it.

Q. What letter was that?—A. It was a letter from James Buckley.

Q. What was the purport of that letter?—A. It was that Ellison was discharged from the Brooklyn navy yard for some scrape that he got into there, and that his record could be found in the yard.

Q. When was that sent to Mr. Adams?—A. When the contest was pending.

Q. Before your appointment?—A. Yes, sir.

By Mr. HARRISON :

Q. Before Ellison's appointment ?—A. Yes ; before Ellison was appointed. I don't know of my own knowledge that that was given to him, but it was stated to me that it was.

Q. By whom ?—A. Mrs. Lockwood. She gave it to him in a mistake for a letter of recommendation to Alexander Stephens.

By Mr. PLAISTED :

Q. Did Mr. Adams ever say to you that he received such a letter ?—A. He never did in his life.

Q. Did he ever speak to you about that letter ?—A. No, sir.

Q. Was this letter which you wrote—dated March 21, I think—ever shown to Mr. Adams before it was published ?—A. Upon my soul I don't know. I never seen it after I wrote it until I seen it here.

Q. Did you write any other similar letter to any one else ?—A. Not the same as that—not to my knowledge.

Q. Or anything of the same purport ?—A. No, sir ; I don't think I did.

Q. Did you write to anybody else in regard to Ellison's character and qualifications ?—A. I think I wrote on to Alexander as regards that.

Q. You wrote to some members of Congress ?—A. I wrote to Judge Holman, stating what I had seen in the paper. I had seen what was reported in the Times, and I wrote to Judge Holman stating that, while I thought the ventilation of the House was poor, there was a great deal of fault in the engineer's department, and how to determine that was to take the lighted candle to where those doors were said to be warped, and it would show that the currents of air were like water ; that they would pass out of the first opening.

Q. What influence did those letters of yours have upon your appointment ?—A. None that I know of.

Q. Didn't you state that you should not have got the appointment but for those letters ?—A. Well, I might have stated that it had something to do with it.

By Mr. HARRISON :

Q. You did state that you thought the writing of those letters had something to do with it ?—A. I don't know that I did state that ; but I don't know whether it didn't keep up the excitement somewhat.

Q. Do you or do you not know that you did state to some one that those letters had some influence in placing you in the position ?—A. I don't know that I stated that, but I think I stated this, that it was more than likely that the appointment came through the influence of those letters, but I don't know that Adams ever seen it.

By Mr. PLAISTED :

Q. Please state the facts in regard to the writing of those letters.—A. Well, I will state the way that those letters come to be written. When I went home I felt disappointed, undoubtedly, and I inquired of persons in regard to Ellison's character. I had nothing else to do, and it was an amusement to me, and from one to another I went making inquiries. In the mean time I received a letter from Mrs. Lockwood, stating that Ellison was getting in bad repute here. I had given up all hopes of anything of the kind, and didn't bother my head about it, but I got this letter from her, stating that he had got into bad repute, that he had insulted the restaurant keeper, and Fitzhugh, and everybody that came into contact with him. I saw an article in the Times about the ventilation of the House, and one thing and another, and I sat down and wrote a letter, stating that if they would let Ellison alone he would get himself into trouble soon enough, because, from what I heard, he was pretty good on writing. He was a newspaper man, and that from what they told me he always did, if he was left alone he would get himself into trouble, and get himself out, and the best way was to let him alone. Then I received other letters again. Well, Colonel Alexander wrote me that he had insulted him—I don't know how it was or anything about it—and he wanted to know what I could prove, and I sat down and wrote him a letter to this effect.

Q. Is that the letter of the 21st March ?—A. No, sir ; I wrote him another letter going to state the qualifications of Ellison as an engineer, that if he had ever had charge of a building in New York it was contrary to law, for he never had had a license either in New York or Brooklyn, because I had examined the books ; and I sent a copy of the laws of New York providing that all engineers have to be licensed there ; I sent the laws and told him that nobody knew Ellison as an engineer ; that his name did not appear on the books ; and I sent a copy of the license laws of both the cities of New York and of Brooklyn, and said that nobody that knew Mr. Ellison have ever known him to be, or that he had ever aspired to be, an engineer.

By Mr. HARRISON :

Q. What was he ?—A. He was a plumber ; that is what everybody stated to me with whom I talked on the subject. They said that he carried on the plumbing business.

By Mr. PLAISTED:

Q. Are there any other facts connected with this matter that you are acquainted with of which you have not already informed the committee?—A. I do not remember, sir, of any other facts.

Q. Did you write to anybody else about it—any other members of Congress?—A. I did not write to anybody, I believe, in Congress about it, but Judge Holman. I think I wrote two letters to Judge Holman, giving him, however, merely practical information or suggestions.

Q. That was before you were appointed here as an assistant?—A. Yes, sir; that was before I was appointed. To these letters, however, I received no answer; and do not know that he ever received them, or took any notice of them.

Q. You never wrote to Mr. Adams about these matters, did you?—A. I never wrote to Mr. Adams in my life upon any subject.

By Mr. HARRISON:

Q. Why did you not write to Mr. Adams in the interest of the public?—A. I told you why; he and I had not much conversation together. I understood from my member that Mr. Adams did not like me very well, and I thought I had no business to write to him.

Q. You thought, perhaps, that you would not have any influence with him?—A. I knew I would not have any influence with him; but I am satisfied that my appointment would not have come in any way if it had not been for the Hon. Elijah Ward. The appointment was given to him and he would not take anybody else but me. He has known me a long time, and knows that I am a good democrat.

Q. How came you to think that the writing of those letters had something to do with your appointment?—A. These other parties were not fighting so much to get me in as they were for the purpose of getting Mr. Ellison out for the benefit of themselves. I have got since all that I wanted; I am satisfied.

Q. How did the writing of these letters help you, I ask?—A. I do not know what influence it had; they say it had an influence, but I do not know; I suppose this investigation would not have been if it had not been for that letter.

Q. But you have stated that you said to parties that the writing of these letters got you in?—A. I stated that I thought they had their influence in getting me in, probably, at the time.

By Mr. PLAISTED:

Q. Did you write any letters to General Ward?—A. I wrote one or two letters to General Ward, merely asking him what had become of my papers. My papers were of great value to me, containing my life-long record, and I wanted them. They were worth more to me than money.

Q. Did you write a letter to the Hon. William Odell?—A. I did write to Mr. Odell.

Q. What was the date of the letter that you wrote to him?—A. I cannot tell you, sir.

Q. Is that the letter? [handing paper to witness.]—A. Yes, sir.

Q. That letter is dated January 11, 1876, is it not?—A. Yes, sir. That was from information that I received from New York, where Mr. Ellison lived; but it appears now that it was wrong information. The letter is as follows:

“CONTINENTAL HOTEL,
“Washington, D. C., January 11, 1876.

“Hon. N. HOLMES ODELL:

“DEAR SIR: You are grossly deceived in regard to Mr. Ellison, who is candidate for engineer, as to living in your district. He lives in the Ninth ward—the truth. General Ward can tell you that he lives in his district, but represents himself to every member as living in his district, so you see he is not to be believed; and I hear, from good authority, he never voted a democrat ticket in his life. Now, I ask you if it is right I should be beaten through him, who has been an active democrat all my life, and whose mechanical record stands as high as anybody's, and my character I defy anybody to reproach. Pray excuse this long letter, and I leave it to your honest judgment how to act.

“So, if you want to oblige your friend, George W. Woodworth, please write a letter endorsing me, and send it to General Ward. Do not believe I am going to withdraw until it is decided. All rumors are false.

“Yours,

“JAMES MCGLENSEY.”

Mr. ELLISON. Mr. Jones repeated a statement that I made at the time about Mr. McGlensey's not being able to pass an examination if the examination was in writing. I did make that statement, and I based it upon that letter. I thought, if he wrote that letter, he would not be able to pass a written examination.

The WITNESS. I wrote that letter, and I wrote a letter to Mr. Abraham S. Hewitt to the same effect, stating that I had received information as to where Mr. Ellison lived, but I found it was a mistake, and I found that, instead of his living there, it was his brother that lived in this house, and so Mr. Odell stated to me afterward; but he stated to me, however, that Mr. Ellison lived in everybody's district; that he was very accommodating in that respect.

By Mr. YOUNG:

Q. Did you ever state to Mr. Sherman, or in his presence, that you had received the appointment in order to suppress what information you had in your possession?—A. I never did.

Q. Did you ever state to him, or in his presence, that Mr. Ellison received his appointment in consideration of \$500?—A. I never did.

Q. What was the purpose of these gentlemen in these various matters—the public interest, or to advance Ellison out of the office?—A. Well, I thought it was to advance Ellison out of the office and to try and keep in themselves. That is the natural conclusion I came to.

By Mr. HARRISON:

Q. Was Mr. Sherman an applicant for this place of chief engineer?—A. I do not know, sir, that I can tell. All I know of the conversation is, that after I came back with the appointment I think I met Mr. Sherman in Mr. Alexander's office but once that morning.

By Mr. YOUNG:

Q. Did they want to turn Ellison out because he was not sound on the democratic question?—A. No; they did not care about that.

Q. What part did Mrs. Lockwood have in the matter?—A. She want me appointed; but she had nothing to do with this part of it at all.

By Mr. WHITE:

Q. I understood you to say that Mr. Ellison had no certificate as an engineer; did you make that statement?—A. I make that statement, that no certificate to him is registered; he never had a certificate as an engineer.

Mr. ELLISON: I never had a certificate. I have no objection to making that statement and having it recorded; and I will add that there are thousands of engineers that are running engines who have no certificates, and that they are men entirely competent, as experience has proved.

WILLIAM W. W. WOOD recalled.

Witness produces the examination papers of the applicants for the position of chief engineer of the House, and states:

These are merely notes, but sufficiently explicit to tell their own story. The character of the examination has been referred to, and these papers will be able to satisfy the committee as to whether or not the examination was of a character to elicit the competency of the applicant. I think from these papers the committee can determine whether or not these parties were practically competent and efficient to discharge the duties required of the engineer of the House. I have here all the papers connected with the case; both the examination papers and the correspondence. I would merely state by way of connecting the papers together that I was applied to by Mr. Adams, as will be seen by his letter dated January 19, asking if I would examine the candidates for the position of engineer of the House. I saw the Secretary of the Navy about it, being very busy at the time, and the Secretary thought there could be no objection. I then went on and examined the applicants, and informed Mr. Adams in due time that the matter had been concluded.

The witness then read the following correspondence:

CLERK'S OFFICE,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 19, 1876.

SIR: If not inconvenient to you I should be pleased to have you examine, or cause to be examined, several candidates for the position of engineer of the heating and ventilating department of the House of Representatives. There are several candidates for the place, which I am desirous of giving to the best engineer. Not being qualified myself to judge, I have to ask your assistance, and hope it will be agreeable; if so, please fix the time and place of such examination.

I have the honor to be, very respectfully, your obedient servant,

GEO. M. ADAMS,

Clerk of the House of Representatives United States.

Chief Engineer W. W. W. WOOD,
Navy Department, Washington.

NAVY DEPARTMENT,
BUREAU OF STEAM-ENGINEERING,
Washington, January 19, 1876.

SIR: I have the honor to acknowledge the receipt of your favor of this date requesting that I should examine or cause to be examined the several candidates for position of engineer of the heating and ventilating department of the House of Representatives.

I shall be gratified to render you any assistance in my power in this matter, and have to state that it will be convenient for me to give the matter my attention each day between the hours of 1 and 3 p. m., commencing with to-morrow, to continue until all the candidates are examined whom you shall authorize to appear, when I will make my report.

Respectfully,

W. W. W. WOOD,
Chief of Bureau.

Hon. GEORGE M. ADAMS,
Clerk of House of Representatives, Washington, D. C.

[Personal.]

CLERK'S OFFICE,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 19, 1876.

DEAR SIR: It will suit this office to have an early day fixed for the examination, and if you can do so, please return an answer to the Clerk's letter by the bearer.

Very truly, yours,

JOHN BAILEY.

Chief Engineer W. W. W. WOOD.

NAVY DEPARTMENT,
BUREAU OF STEAM-ENGINEERING,
Washington, D. C., January 24, 1876.

SIR: I have the honor to inform you that the following-named persons who have presented themselves with written requests from you for their examination, &c., have been examined by me, and if there are no others whom you desire to be examined, I am ready to make my report upon these candidates, viz: Capt. J. F. Tucker, C. W. Geddes, Charles A. Stuart, George C. Ellison, and James McGlensey.

Respectfully,

WM. W. W. WOOD,
Chief of Bureau.

Hon. GEORGE M. ADAMS,
Clerk of House of Representatives, Washington, D. C.

CLERK'S OFFICE,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 25, 1876.

SIR: Your favor 24th instant is received. In reply, I would state that I presume that you have examined all who desire to be examined, and I would be pleased to have your report at any time that may suit your convenience to make it.

Please accept my sincere thanks for your courtesy and kindness in this matter.

Very respectfully, your obedient servant,

GEO. M. ADAMS,
Clerk House of Representatives.

WM. W. W. WOOD,
Chief of Bureau.

NAVY DEPARTMENT,
BUREAU OF STEAM-ENGINEERING,
Washington, January 26, 1876.

SIR: I have the honor to inform you that the following-named persons have been examined, having presented your authority therefor, for the position of engineer of the heating and ventilating department of the House of Representatives:

Captain John F. Tucker, (declined examination.)

Chas. W. Geddes.

James McGlensey.

George C. Ellison.

Chas. A. Stuart.

The examination was written and *partially* oral, and after its conclusion was exhibited to four competent engineer-officers, unacquainted with the candidates, and their values determined in each case. The average of the marks after being ascertained have determined the values of the several examinations (in each case) to be as follows, the lowest numbers opposite the respective names having the greatest value:

George C. Ellison	1
Chas. W. Geddes	2
Chas. A. Stuart	3
James McGlensey	4

Captain John F. Tucker declined examination.

It will therefore be seen that Mr. George C. Ellison was found, of all the candidates examined, to have been best qualified for the position of engineer of the heating and ventilating apparatus of the House of Representatives.

I am, sir, respectfully,

WM. W. W. WOOD,
Chief of Bureau.

Hon. GEORGE M. ADAMS,

Clerk of the House of Representatives, Washington, D. C.

I handed to each candidate, upon opening these examinations, a sheet of paper, asking him to write his name and age, and to present any letters he might have. Mr. Ellison's examination—the questions which I propounded in writing and the answers which he made in writing, are as follows:

George C. Ellison, forty-one years. Letters on file at Capitol with George M. Adams. Occupation, was for six years engaged in the practical manufacture of steam and other machinery.

Question. 1. State what practical experience you have had with machinery, kind, &c. ?—A. Steam-engines, tools and other machinery; my experience was in that line of business during the time or period above stated, and engaged practically in it.

Question. 2. What experience have you had in the fabrication, care, and management of heating and ventilating apparatus, if any, state when and to what extent.—A. I conducted on my own account the business of engineer, steam-fitter, plumber, and gas-fitter for the period of seven years corner Broadway and Eighteenth streets, New York City, and in heating and warming some of the largest buildings in the city of New York.

Question 3. Sketch and describe the apparatus and method of heating and ventilating the House of Representatives in the Capitol.—A. This hall is heated by steam of high pressure passing through pipes in inclosed chambers. In contact with the heated surface of these heated pipes atmospheric air is caused to pass by the medium of fans and these conduits, by which means it is heated and introduced through a large number of small apertures covering the entire space of the floor. These currents of air are susceptible of being regulated in volume and velocity, and can be so regulated as to properly warm the House and maintain it at any required temperature. There is also exhausting apparatus for removing the air above and thus aiding in ventilating the hall, the hottest air rising from its increased volume due to its temperature. The heated surfaces of the pipes giving off their heat to the air in contact admitted to the hall and the condensed water trapped off in the usual manner. The boilers are of the ordinary high-pressure type, to which are attached the necessary valves, (steam and water,) pumps, &c., for supplying boilers: the former are operated by ordinary high-pressure engine.

Question 4. What are the conditions necessary to and requisite to proper ventilation—such as the Hall of Representatives ?—A. An apparatus for properly heating and introducing an adequate amount of pure air, to regulate its temperature, to maintain its humidity, and to remove the products of respiration.

Question 5. What are the products of respiration ?

Carbonic-acid gas, nitrogen, and organic matter, (generally termed vitiated air.)

Question 6. What are the constituents of atmospheric air in per cent. combined as air ?

Air is a compound, the elementary bodies being principally oxygen and nitrogen in the proportions of four measures of nitrogen to one of oxygen. Oxygen has neither taste nor smell, one of its characteristics being a supporter of combustion, whereas nitrogen extinguishes flame and destroys life—animals cannot live in an atmosphere of nitrogen.

Question 7. How many cubic feet of air per hour should be allowed a healthy, vigorous man to sustain him in a healthy condition of life ?

About 1,000 cubic feet, and from 50 to 100 per cent. should be allowed additional, if possible.

Question 8. How would you determine the volume of air passing through the admitting-registers ?

By introducing an instrument in the air-conduit called an anemometer, by which its velocity is determined; the velocity multiplied by the area of the conduit gives the quantity of air passing through.

Question 9. How would you determine leakage in the air-conduit ?

This may be determined by causing a pressure of air in the pipes without permitting its escape at the usual outlets, and observing any decrease of pressure.

Question 10. What is the proper temperature (about) that should ordinarily be maintained in apartments such as the Hall of Representatives?

About 70 degrees Fahrenheit.

Question 11. How do you determine the hygrometric condition of the atmosphere? Should this condition be ascertained and recognized in proper systems of ventilation?

The hygrometric condition of the atmosphere may be determined by the dry and wet bulb thermometer. I think it should be ascertained and recognized in proper systems of ventilation.

Question 12. How would you determine poisonous gases in the air introduced and admitted?

By passing air through lime-water any excess of carbonic acid becomes apparent, causing the water to become turbid; this is also a good test for organic matter present.

Question 13. Would such an experiment be all that was necessary to determine the quantity of poisonous gases present?

A minute analysis with proper apparatus would, I think, be required to determine the quantity and character of such gases, as well as the quality of the same.

Question 14. Does the ordinary air we breathe contain carbonic acid?

I believe it does, in minute quantities.

Question 15. Can you state how many volumes of carbonic acid are contained in 10,000 volumes of ordinary atmospheric air?

As near as I can remember, about 4 to 5 volumes in 10,000 volumes of pure air.

Question 16. Is carbonic-acid gas of greater or less density (gravity) as compared with ordinary atmospheric air?

Carbonic-acid gas is heavier than ordinary atmospheric air.

Question 17. In 1,000 volumes of atmospheric air what per cent. of carbonic acid is fatal to animal life?

Park says fifty to one hundred volumes would be fatal to human life. Atmospheric air, when diffused with 10 per cent. of carbonic acid, becomes saturated, when it refuses to absorb any more when respiration becomes useless.

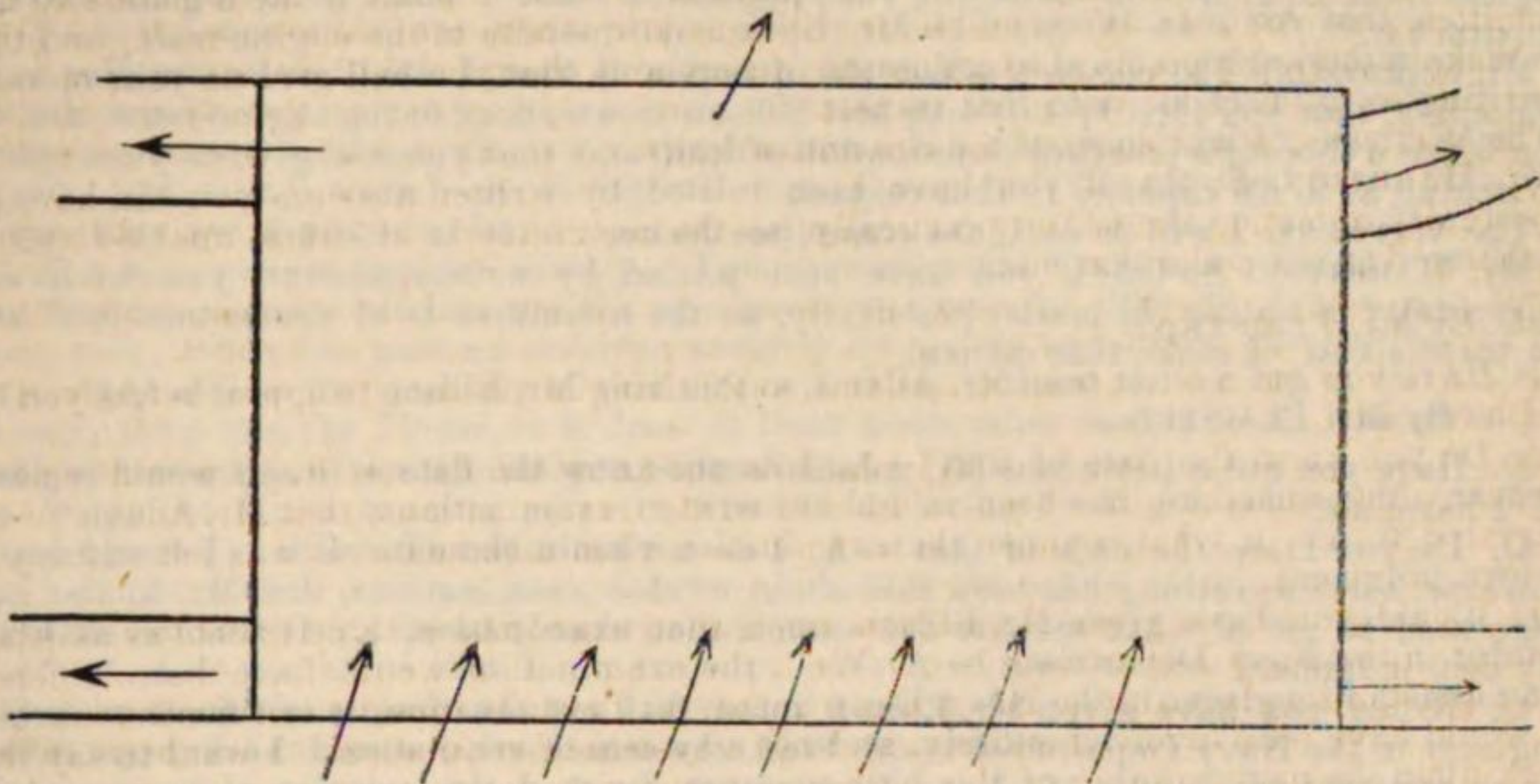
Question 18. In badly-ventilated apartments, about what per cent. of carbonic acid has been found?

About thirty-three volumes, or 33.

Question 19. Describe the operation of the common non-condensing engine, and how to guard against danger from low water in steam-boilers?

The engine comprises a cylinder fitted with a movable piston-rod, cross-head, connecting-rod, crank, crank-pin and driving-shaft, steam slide and steam stop valves, the use of the steam slide-valves being to admit the steam through suitable openings alternately to either side of the piston and to permit its escape into the atmosphere in the case of the non-condensing engine. The valve is operated by an eccentric upon the main shaft; there is also attached to the engine a governor for regulating its action, through the intervention of a valve in the steam-pipe, and in some cases attached to the steam-valves themselves, as in the case of the Corliss, Wright, and other modern engines, the object being in these last-mentioned modifications to admit the amount of steam required to overcome the load on the engine and to work the steam expansively. There is also attached to the engine, in many cases, force-pumps for supplying the boilers. In modern practice, however, in many cases steam-pumps are used for this purpose. The driving or band wheels, and in some cases gearing is attached to the main shafts, for transmitting the power. Attached to the boiler are check-valves through which the feed-water is admitted from the pump. The use of this valve is to enable the pump to be examined in case of derangement. The use of the safety-valve attached to the boilers is to prevent the accumulation of undue pressure of steam by permitting its escape. Danger to boilers arises, most frequently, from low water, but frequently by failure of proper care in permitting the accumulation of scale and for want of frequent examination and detecting weakness caused by age and from other causes. In case of low water the fire should be immediately withdrawn from the furnaces and frequent examinations should be made to detect weak and thin spots, the condition of the riveting and caps, &c. Leaks also should be particularly noticed, their causes ascertained and properly repaired. The boilers should also in all cases be kept in a cleanly condition and no foreign matter be permitted to accumulate and remain in them. The instruments, such as gauge-glasses, steam-gauges, gauge-cock, &c., and particularly the safety valve, should be frequently examined and kept in a cleanly condition, in proper adjustment and working order. The means of supplying feed-water to the boilers should be the first care (next to the proper supply of water in the boilers) of the engineer to guard against danger incident to the use of steam-boilers.

Question 20. Sketch an apartment and show where the proper openings for ventilation should be located ?



Some authorities advocate the introduction of the air near the floor, and the drawing the products of respiration from an aperture also near the floor opposite, while others introduce the air through the floor and withdraw the products of respiration from or near the ceiling. The latter method is in use at the Capitol.

Concluded examination 12.45 p. m.

W. W.

Value of examination, 3.82.

The same questions were asked of the other gentlemen, and after the examination had been made the values of their examinations were determined by this process. Three engineers, very competent men, were called in, and the value of each question was noted by them, each as he thought right, and this value was fixed by a number or numbers running from one to four, as at the Naval Academy. The question and answer was read, and these gentlemen made their marks of the value of the answers. These marks were added up and the average ascertained. Then the averages were added up and divided by the number marked, and that gave the value in each case. The value of this examination of Mr. Ellison was 3.82; of Mr. Geddes, 2.75. There was very little difference between Mr. Geddes and Mr. Ellison.

By Mr. HARRISON :

Q. Could a party, not being a practical engineer, and not being capable of taking charge of an engine, have learned these answers, or the information contained in these answers, by reading and committing to memory from books?—A. I should say not, so as to answer those questions as they seemed to have been answered here. It required a good and intimate knowledge of the machine. Whether or not he would be capable, under these conditions, to manufacture a machine with his own hands or not I am not prepared to say, but it certainly showed familiarity with the machine sufficient to comprehend, I should say, all its method of construction and its care and management.

Q. Were you actuated in making up your opinion as to Mr. Ellison's capabilities by the answers that he had given as to his previous occupation and the time he had been employed in the manufacture of engines and putting them up?—A. That and his answers combined.

Q. If a party had answered these questions as Mr. Ellison answered them, and you were to take that party to an engine and examine him, and should find that he did not understand the machinery and the running of it as a practical engineer, would you think him capable or incapable of taking this position?—A. If I were to take him before an engine and he was not able to describe its parts or construction, or to recognize the parts by their proper names, and did not know how to remedy defects, or to modify or control its action or guard against danger, and were not thoroughly familiar with the construction of all the appliances and instruments, I should not think him competent.

Q. And if he could not repair parts when necessary?—A. Well, I should not think that that was indispensable. I think there are a great many men who never served a day in a machine-shop in their lives who are quite competent to take care of engines and run them and guard against danger without being able to go into a machine-shop and take a piece of iron and put it in a lathe and work it up to any point required for repairs, because machinists, while they are competent to take charge of engines, &c., are no better qualified in that respect than men that have been running engines all their lives who have never served a day in a machine-shop; yet there are positions where mechanics are required to take care of

engines. In fact, I would rather have mechanics under all circumstances to take charge of an apparatus of this kind, but I think there are men entirely competent to take charge of engines from experience in managing such apparatus without actually having the ability to construct it.

Mr. HARRISON. The reason I asked the question is that I shall make a motion to this committee, that you (Mr. Wood) take Mr. Ellison down-stairs to the engine-room, and that you make a thorough practical examination of him, and that you will give us your opinion in writing as to his capacity in that respect.

The WITNESS. I will do so, if the committee desire.

Mr. HARRISON. So that if you have been misled by written answers you can have an opportunity of testing the matter practically, as the committee is of course unable to test it for themselves. I make that motion.

By Mr. PLAISTED :

Q. Have you got a letter from Mr. Adams, authorizing Mr. Ellison to appear before you?—

A. I have, sir.

Q. Do you know the date of that?—A. I do not know the date of it. I would remark, however, since something has been said about written examinations, that Mr. Adams never suggested to me in what manner the examination should be held. It was left entirely to my own judgment.

Q. Would you have given Mr. Ellison, upon that examination, a certificate as assistant engineer in the Navy Department?—A. Well, the examination would have been different for an assistant engineer in the Navy Department, for then the question of marine machinery would have been involved entirely, and not a system of ventilation. I want to say that I look upon the mere running of this high-pressure engine down-stairs here as a mere bagatelle. It does not amount to anything. Any man with two ideas in his head and any pretensions to information about machinery or machine-shops, can take care of such an engine.

By Mr. HARRISON :

Q. Especially if he has two first-class men as assistants?—A. Certainly. The main thing would be to guard against the danger of boilers. With the appurtenances here it merely resolves itself into the question of putting fire into a fire-box, and water in a boiler, and pouring oil upon the working parts, and keeping them in adjustment, and looking after the temperature in the Hall of Representatives, and seeing what pressure it requires. The radical point is the question of introducing a certain amount of air, and the information necessary to keep the air pure and in sufficient quantity.

By Mr. WHITE :

Q. If a man is chief engineer and has a subordinate that understands the running of the machinery while the chief does not, would it not be quite as poor a way of running it as to change places and put the illiterate man at the head?—A. I should that, in either case, if a man who had charge and was responsible for the ventilation and the care and management of steam-boilers and engines and everything appertaining to such apparatus were incompetent, under any circumstances, then it would be better to have a man who could run and take care of the engines, and let the ventilation take care of itself.

Q. The twenty questions which you put to the applicants for this position bear more on the subject of ventilation than they do on the subject of running an engine, do they not?—A. They do; but still I think they bear sufficiently on the subject of running an engine also.

Q. Suppose you were to take down-stairs that man who understands this theoretical system of ventilation, as studied from books, and ask him what he should do when the water is too low, and he fails to answer that question, what would you say about that man?—A. I should say he was unfit for the position.

By Mr. YOUNG :

Q. Is there any other use for that engine than to ventilate the hall?—A. I have not examined the engine except once, and that was a good many years ago, when it was first put in.

Q. Is there any sort of machinery about it?—A. It is the simplest possible high-pressure engine.

Q. Is it not there mainly for heating and ventilating the house?—A. I understand the purpose of the engine to be simply to operate the fan in that relation. I do not think it drives any other machinery.

Q. The fan is for ventilating the building?—A. The fan is the instrument by which the air is forced into contact with heated coils before entering into the hall. That apparatus is not connected with the high-pressure engine at all.

By Mr. WHITE :

Q. How long has it been since you run an engine yourself? Of course I understand that you are a practical engineer, but how long is it since you have had the practical running of an engine?—A. I think the last cruise I made was in 1861. I came home in 1861.

Q. Have you ever been down in the sub-basement here to see this engine?—A. Once.

Q. Does your memory serve you correctly in regard to the driving of that fan; whether when driven properly it drives air into the sub-basement or drives air out of the sub-basement and kitchen?—A. As I understand the fan, it forces the air into contact with the heated coil through which the steam passes, giving off its temperature to the air.

Q. I understand that; but I mean the fan that drives the pure air outside into the House; as it comes in it may escape or it may suck, one way or the other; it may force itself into the kitchen or it may draw air out of the kitchen. My question is, then, when running properly, how does it work?—A. It depends upon the air-conduits attached to the fan, and whether they are in proper order.

Q. You have not got my idea exactly. You are aware that there is a passage-way down there that connects the kitchen and the air-chambers, where the pure air comes into those pipes; now, when this pure air is driven properly by the fan and driven into the Hall of the House, what will be the tendency of that air; will it be to draw the air out of the kitchen and carry it up into the House, or to draw it from some other source?—A. I should say it would be a question of the equilibrium of pressures.

Q. When the fan is running properly, what is its action?—A. An excess of pressure. There might be an induced current there.

Q. I do not refer to it as a matter of theory, but as to the action of this particular engine in its practical running; I want to know if your memory serves you in regard to that point?—A. I do not know that I am prepared exactly to answer the question, because I really do not exactly understand it. I have had a good deal of experience in heating and ventilating, and I can assure you it is a very abstruse problem.

By Mr. HARRISON:

Q. Do you know Dr. Thiers?—A. Yes; I know him when I see him.

Q. Did you ever read this letter from Mr. McGlensey, containing charges against Mr. Ellison, and in which there is some intimation that you may know something about it?—A. I have read this letter; I saw it when it came.

Q. Do you know of any facts in connection with the charges against Mr. Ellison that are mentioned in that letter?—A. None at all.

Q. It says that it can be shown in the navy-yard?—A. That refers, doubtless, to the Brooklyn navy-yard; I think it has reference to the Mr. Delano who was connected with the navy-yard; I saw his name mentioned there. I know nothing whatever of those charges, sir. I know Dr. Thiers as being the inventor of an apparatus for ventilating ships and pumping the boiler-water, the oscillation of a column of water on one side and mercury on the other.

By Mr. YOUNG:

Q. You never saw the bottle, then, that is referred to?—A. No, sir; I know nothing what ever about it.

Adjourned.

WASHINGTON, D. C., *May* 23, 1876.

JOHN W. WRIGHT sworn and examined.

By Mr. YOUNG:

Question. If you know anything that would enable this committee to determine the questions suggested by this resolution (a resolution directing an inquiry as to the appointment of Mr. Ellison engineer of the House) I would be glad to have you state it to the committee.—Answer. I am a little related to this matter, and it would take me but a few minutes to explain my position. I had a son who was an applicant for the position of engineer of the House; I had him educated at Worcester, Mass., and had sent him to Europe, and had taken a good deal of pains and care with his education; and when this position was first spoken of he consented, on account of my health, to come here and take the place if he could get it. He was indorsed by Mr. Kerr and Mr. Holman, and the whole Indiana delegation and the Massachusetts delegation, and two delegations from the Northwest. After coming here to see about it and talking the matter up, Mr. Holman said he need not stay here, as he would certainly be appointed. When he was sent for, however, it was with the information that he could not get the first place, but should have the second. He promptly said he would not serve in the second place under any man. He was then draughtsman on the New York and Erie Railroad, and he went home and attended to his duties in Jersey City. A short time afterward there was a notice published in the papers that his position had been gained by a competitive examination, and his companions in New York laughed at him for having come to Washington and being beaten on a competitive examination. He got a little mad about it and came over here to see why he had not been notified to present himself for examination. He said if a letter had been sent to him he never had got it. Mr. Adams told him that no notice had been given to him because he was born in Indiana, (although as a matter of fact he had left Indiana when he was only ten years old.) He did not blame Mr.

Adams for appointing the man he did, but felt pretty sore about this notice in the newspapers that this appointment had been made upon a competitive examination. However, he went about his business again. One day after this I was sitting in the restaurant of the House, and a man came to me and produced to me some papers relating to this man Ellison. I read the papers over, and all I said to him was, that I thought Ellison was the proper man, that I thought he would kill off a hundred niggers, and might kill four or five members of Congress, but that they could elect new ones, and that he would clear the galleries pretty soon. A day or two afterward I got letter signed by Ellison, stating that I had called him a thief, and that he would commence a libel suit against me. I at once took steps to see what was in the wind, and whether he would break my whole fortune. So I wrote to New York, and from the information that I got from there I became pretty thoroughly satisfied that if he commenced a suit against me it would not hurt anybody very badly; so I did not answer his letter. I was in Mr. Alexander's office one day subsequently, and this man McGlensey was there, and said he was going to take the second place; that he was going to take a place under this man Ellison. I said to him, "Are you not the man to whom this letter was addressed that I read?" He said he was. There was a man there by the name of Sherman at this interview.

By Mr. HARRISON:

Q. Who was there first, Mr. McGlensey or Mr. Sherman?—A. I came in last, I believe; I think that when I went in they were all three together; that is my belief. I saw at once that McGlensey was going to take the second position. I told him, "Now, if you are qualified for this place," (and that he was qualified all these men agreed;) "if this man Ellison has got to go out as not being qualified, we will try and put you in the first place. I would do all I can, and exert all my influence with my friends, to put you in the first place." This man Sherman said to McGlensey, "I have no business, and am a poor man, but rather than see you go in there and help that fellow, I will board you for nothing? Sherman had just spoken to him alone before that, and called me aside, and, said he, "Will not you pay McGlensey something weekly or monthly, if necessary, to keep him out?" I asked McGlensey then if he was a poor man and without money; but he said, "No." Said he, "I can live well," or something of that kind; so I told him that I would not pay him a cent to go in or out. I left there, and I believe they were all there when I left. Subsequently, in the hall here, there was a short man, whom I do not know except I see him, who was standing around, and he came up to me and stopped me; and McGlensey came to me and said that he was going into this position, and he wanted "those papers." I told him that I had never even read the papers through. Said I, "I never had the papers." I said to him, "Are you going in to take this place?" He said he was. "Then," said I, "I do not think any more of you than I did of the other man, (Ellison,) even if he is guilty of what he is charged with." "Well," said he, "you cannot get him out?" I said, "I do not want to get him out;" I said, "I have told you twenty times over that my son would not take the position now that Ellison had it." Said I, "They have put him in; now let them keep him in." He said, "They cannot put him out, anyway as long as Mr. Adams stays there, for he paid Adams \$500 to get the place, and Adams is bound to keep him in." I do not know who the little man was that stopped me; I understood that he was a correspondent of a Chicago paper.

Q. Do you know of your own knowledge anything in reference to Mr. Ellison's qualifications as an engineer?—A. Nothing in the world.

Q. You have no personal knowledge about his moral character?—A. Nothing at all. I was greatly surprised when I got his letter about his proposition to sue me for libel, because, as a matter of fun, I had spoken about his killing a hundred niggers. I would like to say one thing more: I have fought a good many fights in my life, of different kinds—the world, the flesh, and the devil, and some other things—and I was not afraid of a fight. My son had made draughts for the elevator in the other end of the Capitol, and Mr. Clark and Mr. Hayden and others professed that they wanted him here to attend to this matter. A man came to me once one night, who did not tell me his name, but said he wanted to talk to me about the ventilation of the House of Representatives. I said, "What have you got to say about it?" "Well," said he, "Judge Holman and you are old friends." I told him that was so. Said he, "You can get \$20,000 appropriated for fixing up the concern, and it can be fixed up for about \$2,000. We will take you into the enterprise if you get this appropriation through Judge Holman and fix it up." "Why," said I, "\$2,000 would be entirely too much to fix it up. I have heard men say who are acquainted with it that the men employed here ought, in the recess, to make all the improvements necessary without any appropriation." He wanted my services in the matter very badly, but I got up and opened the door and told him to get out.

Q. Do you know who he was?—A. No.

By Mr. HARRISON:

Q. His proposition was relative to the ventilating-apparatus of the House of Representatives?—A. Yes.

Q. Did he give you any statement as to who was going to do it?—A. No, sir; he did not.

His object in coming to me was, he said, that he wanted to get this son of mine who had done this work in the other end of the Capitol to make the plans, and so forth, and then they would get this appropriation made, and save a large portion of the money.

Q. Have you any idea who the fellow was?—A. No. I tried to catch him two or three times, but I never could. He is one of a whole set about here who are pirating upon the public.

Q. Why was it that you stated to this man McGlensey that Ellison would have to go out; what were your reasons for supposing that he must go?—A. Well, I have talked with men of science in this line, and they pronounced him totally unqualified, and I judge somewhat by the condition of the hall of the House of Representatives when I got in there. I know nothing against the man's moral character.

Q. It was based upon the supposition that he would prove himself incompetent or had done so?—A. Yes. I did not propose to interfere with him, however, at this time, because my son had gone back to his position.

Q. Were you and your son taking any steps in connection with any other persons to have Ellison dismissed?—A. Not a bit, sir. My son had repeatedly said that he would not accept it now, even if the first place was offered to him. I repeatedly told that to Mr. Kerr and others.

Q. Then it was just on the supposition that Ellison would have to go out through incompetency?—A. Yes; after he had killed a couple of hundred niggers and perhaps three or four members of Congress. My son told me that Judge Holman felt very indignant about it, and so did Mr. Kerr. After this notice appeared in the newspapers about this thing having been got by competitive examination, I ascertained that the notice was written under the dictation or at the suggestion of Mr. Adams. My son went into Mr. Adams's room and spoke to Mr. Adams about it; and he told me that Mr. Adams said he had got as many appointees from Indiana as he could appoint, and that he remarked to him, "Why, although I was born in Indiana, I left there when I was ten years old, and I reside in New Jersey." A member of Congress from New Jersey, whose name I forget, had urged the appointment of my son also.

By Mr. ADAMS:

Q. Have you ever told any one in this city or elsewhere that I had appointed Mr. Ellison in consideration of a \$500 note which he had against me and which he was to cancel?—A. I have told some persons, I suppose, that McGlensey said so, but that I did not know you and never saw the note; and that if McGlensey said so, I suppose it was so. I presume I have told it. Ben Butler's name was connected with the note in some way or other; but it made but little impression on my mind. I was at this time this man Ellison's friend and wanted him to hang on. He had fought my son, whom I had been at great expense in educating in his business, and having fought him and beaten him, I did not care anything about it after that. This man coming from Brooklyn navy-yard, as I supposed, and it being published in all the mechanical and scientific papers of New York that he was appointed after an examination, I thought he was a competent man and would be kept there.

Q. Do I understand you to say that you have never told anybody, in substance, that I had given a note to Mr. Ellison when I was in the Army, at New Orleans, and that it was in consideration of the cancellation of that note that I had given him the position?—A. I believe that was McGlensey's statement to me.

Q. Have you never told anybody that that was the case yourself?—A. I tell you that McGlensey told me so.

Q. But I ask you whether you told anybody yourself?—A. I told it repeatedly, but I always said that McGlensey told it to me; that was the whole of it.

Q. Did you ever tell it to anybody as a fact, without giving the author?—A. I do not know; I am in the habit of talking a good deal, and when I do talk I talk pretty sharp; maybe I dropped McGlensey in the matter, and maybe not; I do not know.

Q. You do not pretend to say whether you told it as a fact, or whether you gave McGlensey as the authority?—A. I know that I could not have told it as a fact within my own knowledge, because I do not know you [Mr. Adams] and never saw you nor the note. I have talked about it to Judge Holman and others, and they talked about offering a resolution in the House for putting it in the hands of Mr. Clark, and getting him to get another man. I told him that so far as my son was concerned, he would not serve now under any circumstances; so that I took no interest in it. I told that to Mr. McGlensey over and over again.

Q. Did anybody else besides Mr. McGlensey profess to know that I had given Ellison a note?—A. No; I never heard it from any other person.

Q. Never heard it from any other source of any kind?—A. No.

Q. And, as I understand, then, you do not pretend to say that you ever told it as a fact to a number of people?—A. I do not know whether I have or not. A man in speaking of such a matter might speak of it in that indefinite way that a man might understand one thing or another. If I were drawing a special plea at common law I would know how to draw it.

Q. Would a man who had a proper appreciation of what was due to another be likely to state things in any indefinite way that he was not aware of himself, without saying that he

had merely heard it?—A. When I found this notice in the newspapers, and traced them up, and found who they were written by, and when I knew that men who were competent to pass the examination were not notified at all, and that those you wanted to notify were notified, my appreciation of your character was not very high.

Q. But you had no evidence that I had ever owed Mr. Ellison any money, or given him any note?—A. No; except this statement of McGlensey's, that was made to Mr. Sherman, myself, and other men by McGlensey. I may have made some occasional remarks about you; but so far as the engineership was concerned it was a matter past and gone and I cared nothing about it.

Q. What did you trace up to me in connection with the publication in the newspapers that gave you any right to call in question my integrity? Tell the committee distinctly what you traced up to me.—A. First and foremost this little notice came out in the "Star." I felt no disposition to fight about it then, and did not care whether it was a competitive examination or not; but I thought that you ought to have mailed a letter to my son, and I sent down to the post-office to see if there was one there, but there was none. This notice about the competitive examination appeared in the New York papers as showing the great value of competitive examinations, and what an immense amount of talent they had acquired by the examination. When it came out, and inquiries were made as to the writers of this notice in the "Star," it was said that they had got the facts out of the Clerk's office. The "Star" man can testify to that, I suppose. He did not say he got it from Mr. Adams, but out of the Clerk's office.

Q. And because you heard from some source that certificates were got out of the Clerk's office, you therefore set it down that you did not have a very high appreciation of my character?—A. That is true.

By Mr. PLAISTED:

Q. You said that a man called at your house one evening and proposed a job about the ventilation?—A. Yes.

Q. Did he tell you who was in that job?—A. Well, I do not like to answer that question, because I had no faith in the man, and I ordered him out of my house. I do not know who he was, and it would only do harm to innocent individuals if I were to give any name that he mentioned. I prefer not answering it on that account. I can answer it very well, but prefer not to do it, because a man who would come on such an errand would lie.

Q. Did he give you any indication as to what position he was in?—A. I supposed his position was somewhere in the Capitol.

Q. That he had a position here?—A. Yes, in the Capitol. I would say this much, however, that I do not believe he was in the engineer's department, but was somewhere about the Capitol.

Q. In what capacity did you understand?—A. I rather think, sir, that he is a kind of door-keeper to a committee, or doing something about a committee. I have seen him in that capacity the only time I saw him besides the interview at my house. I tried to find his name out a few days ago, but did not succeed.

By Mr. YOUNG:

Q. Would you know him if you saw him?—A. I would; and I would know the Chicago man; I saw the Chicago man a few days ago. I asked him his name, and he told me his name was John Smith or John Jones, or something of that kind; but I followed him up, and asked another man what his name was, and he told me, I think, that his name was Peabody, or something of that kind—that he was a correspondent of the Inter-Ocean.

By Mr. PLAISTED:

Q. Did this man who came to you in the evening tell you who sent him?—A. Yes, he did; but that is the very point that I do not want to tell because I may do an innocent man a great deal of injury, and this fellow who came to my house may be a lying hound for all I know.

Q. Was Mr. Ellison the name he mentioned?—A. No, sir.

By Mr. YOUNG:

Q. Would you know the correspondent of the Chicago paper if you saw him?—A. Yes; this other man told me he was correspondent of the Inter-Ocean, and was the man that wrote the article; and says he, "He was the man who was in the hall with you and Sherman."

By Mr. PLAISTED:

Q. Did this man who interviewed you say that any persons in the engineer's department in this Capitol were mixed up in this matter?—A. I do not know the name of a single man in the department, I believe.

Q. Did he speak of the engineer's department?—A. He spoke of a combination got up here.

Q. Among the engineers?—A. Yes; he did not mention Ellison's name or McGlensey's, but he said the engineers were getting a combination up to get \$20,000, and they thought that with my aid they could do it.

Q. Was anything said about the ventilation—that they were making the ventilation of the House as bad as they could?—A. No; I believe they were doing the very best they could. I think that I can certainly find this man within a day or two.

Mr. YOUNG. We would be glad to have you do so.

Q. Do you think that the Chicago correspondent knows this man?—A. I do not know that he does.

Q. What kind of looking man was he that introduced himself at your house?—A. A tall, thin man.

By Mr. HARRISON:

Q. You say you dislike to tell the names of the parties. I should like to know whether you ascertained from the person's statement that there was a combination here among the employes of the House to do that?—A. Yes, sir; that was the idea, and I was to run Judge Holman.

By Mr. YOUNG:

Q. Mr. McGlensey desires me to ask you how often and where you saw him and had conversations with him?—A. I do not know. The first time that that letter was brought to me was in the House restaurant here; I do not think it was brought by Mr. McGlensey. The first time I saw Mr. McGlensey, I believe, was in Mr. Alexander's office, and the next time I saw him was down-stairs here. Those, I believe, are the only two times I saw him.

Q. Did you, in a conversation with Mr. McGlensey, inform him that if he accepted a position under Mr. Ellison you would have him out in less than three months?—A. Why, no; he said that unless they could run it better than Ellison did, the whole pile of them would go out in less than two months, because so many niggers would be killed that it would be found that humanity would require them to go out. That is what I meant by it; I supposed that McGlensey was better qualified than the other man.

Q. Did you offer Mr. McGlensey any money if he would not accept the place?—A. No, sir; Mr. Sherman wanted me to give him money, but I would not do it. I thought Mr. McGlensey knew more than Mr. Ellison did, and that Mr. Ellison would prolong the misery.

Q. When was it that Mr. McGlensey said that Mr. Ellison held a note, as you understood, or canceled a note given by Mr. Adams?—A. I do not remember distinctly; I could not say positively. Mr. Alexander and Mr. Sherman urged very strenuously upon McGlensey not to give in and take this second place; and I asked him the question, "Is it a matter of poverty with you?" Sherman had taken me out in the hall, and talked to me about it; and I supposed that if he got a few dollars a month we would probably have the funeral quietly, and I asked him a question as to his poverty. He said, "No, I am able to live without it." Then I refused to do anything; but Sherman offered to board him for nothing if he would stay out, because he said it would be better; I do not remember whether he said anything about the note then or the money. But the next time I saw him down-stairs with Sherman and this Chicago man, and he said he was going in to take the place. He asked about the papers, and I told him I had no papers, and it was then he told me that Ellison would not be turned out, because he had paid \$500 to get in, and said something about a note, and also Ben. Butler and New Orleans; but I was hungry and went off, and left Sherman and this other man talking.

By Mr. PLAISTED:

Q. Did he tell you how he knew about this note?—A. No, sir; I took very little stock in the conversation.

Q. Did he tell you what knowledge he had of the matter of the note?—A. He did not; but I know that Ben. Butler's name was mentioned in it, and New Orleans, and a note. Sherman may know something about it; he can be had.

Q. Do you know where it was that McGlensey told you and Sherman about this note?—A. Right below the door going into the restaurant.

Q. The restaurant inside of the building here?—A. Yes; I was turning in there when this little Chicago correspondent stopped me; and then Sherman came up with McGlensey, and this little man spoke to him. The thing was published first in the Chicago paper, I believe. I never spoke to the man before or since until, yesterday, I saw him and asked him his name.

By Mr. HARRISON:

Q. You have spoken of a funeral here, which, I suppose, is a matter of joke?—A. O, yes, of course.

Q. What you meant was that, not believing Ellison to be competent, you thought that the House would discover that?—A. That was exactly it, because I had been running machinery all my life, and had been interested largely in it in Indiana before I came here; and I talked to Mr. Clark and Mr. Hayden here, and my son and others, about the ventilation of the hall, and I thought I knew where the trouble was.

By Mr. ELLISON:

Q. Are you acquainted with Mr. Charles Foster?—A. Yes.

Q. Have you known him many years?—A. Yes; he is a very nice gentleman.

Q. Did you ever tell Mr. Foster that I was a thief?—A. Well, I said some pretty hard things about you when you wrote me that letter.

Q. Did you ever tell him I was a thief?—A. I rather think I did.

Q. Do you remember when that was?—A. After I got that letter from New York, and the proceedings taken against you there in the Navy.

Q. Did you ever have a conversation with Mr. Clark and Mr. Hayden together?—A. I think I did.

Q. A conversation in which you said that I was a thief?—A. I think I did.

Q. Do you remember where that conversation was?—A. Down in the hall. I had just got a letter from New York in my hand, and I was mad about it, because it cost me \$25 to get that letter.

Q. You based that judgment on the strength of that letter, did you?—A. I know the man who wrote the letter.

Q. Did you base that upon your own knowledge, or did you base it upon that letter?—A. Upon the letter.

Q. Entirely?—A. And the papers that McGlensey had.

Q. Do you know where the letter is at the present time?—A. I suppose at my office.

Q. I mean the letter upon which you based that judgment?—A. Yes, I suppose it is at my office; I will furnish it to you for the \$25.

Q. Did your son ever serve his apprenticeship in a machine-shop?—A. He studied for four years in the polytechnic school, and worked four hours a day.

Q. In a machine-shop?—A. Yes; and took the first honor of his class.

Q. Did he assist you in the machine business when you were there?—A. No; he was only a boy ten years old when he left Indiana and came East.

Q. Did you ever give a call on Mr. Hayden and ask him, if your son were appointed here, whether he would not take him round and show him the machinery?—A. Yes, I did.

Q. And explain to him the machinery, &c.?—A. Yes; and Mr. Hayden will say that my son is the best machinist in the United States for his age.

Q. Did your wife and niece ever call on him and repeat the same conversation?—A. I do not know whether they did or not. I had a good deal of confidence in Mr. Hayden, and did not doubt at all, from what Mr. Holman and Mr. Kerr said, but what my son would be appointed. I had no doubt of it at all until he was sent for to take the second place.

By Mr. HARRISON:

Q. You say that you had not the least doubt in your statement as to Mr. Ellison's character, based upon the letter of this gentleman from New York?—A. I said that.

Q. Who was that gentleman?—A. He was a friend of mine.

Q. You know him to be an honorable man?—A. I think he is an honorable man.

Q. And he knows Mr. Ellison, or knows about him?—A. No, sir; he made inquiries about him.

Q. That letter is not the letter that has been published in the newspapers, is it?—A. No, sir.

Q. Is it a private letter?—A. A private letter which I had. When Mr. Ellison wrote to me that he was about to commence a suit against me, believing that in time of peace we should prepare for war, I took steps to send to Brooklyn. I sent to a man named Caldwell, and he got a lawyer to examine into this matter, and it resulted about the same as is stated in Mr. McGlensey's letters.

Q. Will you furnish us with that letter?—A. I will, sir.

WASHINGTON, D. C., May 23, 1876.

WILLIAM W. W. WOOD, recalled.

By Mr. YOUNG:

Question. Have you made an examination of Mr. Ellison as to his practical knowledge since the last session of the committee?—Answer. I was requested by the committee to take Mr. Ellison down and examine him in relation to the practical details and his knowledge of this system of ventilation. This I have done. I will simply state to the committee what I did. I requested Mr. Ellison not to start the machinery this morning until I came here; I got here in the neighborhood of nine o'clock, or a little before. I then told Mr. Ellison to go round and start his engines, and to explain to me everything connected with the machinery and the whole system of ventilation, and all that pertained to it. He proceeded regularly to put the machinery in operation. I then asked him to explain all the different parts of the machinery, their uses, their action, and, particularly, with reference to the steam-boilers, the method of supplying them with water, of the safety-valves, everything connected with the introduction of the air, its discharges, how warmed, how introduced, how regulated, the same with reference to the steam-pumps, and the exhausting apparatus. He explained all

the minor details, and seemed to understand very well the method of putting the machinery in operation to guard against any danger. In fact, there is no danger, except drawing the water from the cylinders. I really regard a pair of simple engines like these as not amounting to much; they are not complicated; they are perfectly simple, and do not require any great amount of knowledge to start and stop them, and take care of them; they are simple, ordinary, high-pressure engines. I think the principal thing is with reference to these boilers, and taking care of the ventilating apparatus; and that is embodied in the written examination, which need not be referred to on this occasion, for it explains itself.

Q. From the examination you have this morning made, are you still of the opinion that Mr. Ellison is a competent engineer?—A. I should think so, unquestionably. The thing told its own story. If he were not acquainted with the machinery and its working, I have not been able to find out in what respect he was not.

Q. You regard him, then, as competent to discharge the duties of his position?—A. I should say so, from my knowledge of him.

Q. Have you instituted any investigation into his moral character?—A. None whatever.

WASHINGTON, D. C., *May 23, 1876.*

E. W. ALEXANDER sworn and examined.

By Mr. YOUNG :

Question. State anything in your knowledge touching the qualifications, mental or moral, of Mr. Ellison as engineer.—Answer. I know nothing about him either mental or moral.

By Mr. HARRISON :

Q. Were you present at a conversation between Mr. McGlensey, Mr. Wright, and others, with relation to the position of engineer of the House of Representatives?—A. They had conversations in my office frequently.

Q. Were you present at those conversations?—A. Yes.

Q. Do you remember when Mr. McGlensey, and Mr. Sherman, Judge Wright, and yourself were present, whether Mr. Sherman or Mr. McGlensey were there first?—A. I think that Judge Wright and Mr. Sherman were the first; I think they were there when Mr. McGlensey came in. They were constantly running in and out, and made the place a rendezvous until they became perfect bores. Wright was evidently incensed because his son did not get the place. He asked me if I knew a good engineer. I told him that Jim McGlensey was a good engineer. "Then," said Wright, "I will go for McGlensey." McGlensey had gone back to New York because he had not succeeded in his examination, and got those papers and sent them to me. McGlensey was a talkative person, and reared and pitched a good deal. I do not know who made the remark, but the remark was made in my office, after McGlensey got the second position, that it was given to him to keep him quiet.

Q. Did Mr. McGlensey make any statement of that sort?—A. No; Mr. McGlensey said that he had been very much disappointed at not being appointed to the place; that he had hunted Ellison as hard as he could, but now he was going to take the second place. Said I, "Mr. McGlensey, consider yourself done with this office, because we have been working for you for the first place if there should be a change, and you have brought all these documents here, and now, after raising all this disturbance, you accept this position." Every one of these documents came from Bellville Lockwood and McGlensey. I said to Mr. Baker, a friend of mine in Mr. Adams's office, "If there are charges against Ellison, why not write to these parties who know about them, and ask them if these things are so?" In regard to the note, I do not know anything about that. They talked about it there a good deal. Sherman was pretty bitter, too; he had been removed. Wright was disappointed because his son had not received the appointment; and McGlensey was mad because he did not get it; and they went to work, and palavered a good deal about it.

Q. Then, you do not remember whether it was Sherman or Mr. McGlensey who made the statement that he was getting this position simply to shut his mouth?—A. They were all three talking a good deal; they would all get mad for a short time; then get quieted down again. The whole thing was, that McGlensey was to have this place (I think the whole three of them admitted it) to keep him quiet.

Q. That was the impression?—A. That was the impression; there is no question about it.

Q. In all those movements which you are aware have been going on with regard to Ellison, has there been any desire on your part or any others, so far as you know, to have him removed for the purpose of putting somebody else in his place? I do not mean originally, but now.—A. Before the time that McGlensey took the thing, there was a movement concocted by these men to try and remove Ellison and put McGlensey in. Then somebody sent for McGlensey and brought him here, and gave him, or offered him, the second place; and when McGlensey told these others about it, they said, "Are you going to take it?" He said he felt very much like taking it; that he was indebted to General Ward, of New York, for the position or the offer. The moment that he said he had concluded to accept it, Judge

Wright said to him, "You are a bigger dog than the other man, if he is a dog." There was a good deal of hard feeling about it.

Q. Among the parties, was there any effort or design to get Ellison out for the purpose of putting somebody else in other than McGlensey?—A. I think that this man Sherman had a favorite that he wanted to get in there, named Stewart; but the moment McGlensey took the second place it put him out of the race.

Q. Are you connected with the Jackson Democratic Club?

A. No, sir, I am not.

Q. You are aware that there is an association here called the Jackson Democratic Association?

A. Yes; the "Dem. Jacks," we call them.

Q. Have you been cognizant of late of any endeavor on the part of that association to get up this scandal against Mr. Ellison in order to have him dismissed for the purpose of putting somebody else in?—A. No; I do not know a single thing about this man.

Q. Have you ever heard McGlensey say that Mr. Ellison could not be put out for the reason that there was some note or some money that had passed between him and Mr. Adams, either that a note was taken or paid, or the money was paid?—A. It is a hard thing for me at this time to say who said it, but it was said there that day.

Q. That was in the office while you were there?—A. Yes.

Q. Did you hear McGlensey say it at any other time?—A. I do not remember it at any other time; they were talking at the office a good deal.

Q. A hard speech from one would bring a hard speech from another?—A. Yes; it was then said that they could not turn Ellison out, and there was something said about a note being the cause.

Q. Have you any idea how the information got out that there was in existence such a note?—A. Not a bit; I do not know anything about it.

Q. Have you any means of finding out?—A. If you had those McGlensey papers here I expect they would say something about it.

By Mr. YOUNG:

Q. Were you educated in the Naval Academy at Annapolis?—A. Yes, sir.

By Mr. HARRISON:

Q. Do you know Mr. Wood, who has testified here as having examined Mr. Ellison?—A. I have known him ever since I was twelve years of age, and he me.

Q. Is he a competent man to make an examination of this character?—A. Yes, sir; the best in the world; he occupies the highest position in the world in that respect.

Q. Do you know anything about engineering affairs?—A. Yes, sir; I think I stood very high as an engineer in the United States Navy, where I was for thirteen years until I went into the Army.

Q. Do you know anything about Mr. Ellison's capacity?—A. I don't know Mr. Ellison at all; I would not have known him here if he had not been pointed out to me.

By Mr. ADAMS:

Q. Do you know any one else who has made this statement, that there was anything venal in this appointment of Mr. Ellison, aside from some one of that party who made it on that day? Have you heard it from any other source? If so, I would like to know from what source.—A. I cannot answer that question conscientiously to myself; but these men came down here talking a good deal; you know how such men will talk; they said that Mr. Adams dare not discharge Mr. Ellison; that he was paid for appointing him, and all that sort of thing. I have received as many as thirty letters addressed to my paper, but I never published a single word of them; they all went into the waste-basket.

Q. Is it not true that all the men who were turned out, and a number of those who were seeking appointments in the engineer's department, were in the habit of talking this thing over together, and assigning reasons why Mr. Ellison was retained?—A. Yes.

Q. And is it not true that there was a sort of organized warfare among them to displace Ellison?—A. Decidedly.

By Mr. HARRISON.

Q. Do you know that?—A. I know that; I think Mr. Baker will bear me out, (Mr. Baker who is in Mr. Adams's office.) I said to him, "If this man is what he is represented to me, Mr. Adams should inform himself and discharge him; of course, giving the man a chance." Yes, there was a decided attack on Ellison.

By Mr. ADAMS:

Q. Was not that attack, so far as your observation extended, confined to men who had been displaced, and to men and their friends who were seeking places?—A. Certainly; those who had been turned out and those who were trying to get in.

By Mr. HARRISON:

Q. Was not the fact of these letters coming from New York speaking of his incompetence the foundation of their opinion?—A. I suppose so.

Q. They represented Mr. Ellison as guilty of almost every crime in the decalogue?—A. Yes; they represented him to be a pretty bad man.

By Mr. ADAMS:

Q. Did you ever have any communication with Mr. White, of Kentucky, on this subject?—A. No, sir; I never saw Mr. White in my life and never wrote to him; I do not know him.

WASHINGTON, D. C., May 23, 1876.

HENRY M. HAYDEN sworn and examined.

By Mr. YOUNG:

Question. What is your occupation?—Answer. Chief engineer of the United States Senate.

Q. How long have you been there?—A. Since the 4th day of March, 1869.

Q. You have heard read the resolution appointing this committee?—A. Yes, sir.

Q. Do you know of your own knowledge anything of the qualifications of Mr. Ellison as an engineer, mentally or morally? If so, state it to the committee.—A. I do not think I could state anything in that regard that would be of any special importance, because I have never been in a position to know anything in regard to his qualifications as an engineer.

Q. Or his moral qualifications?—A. From what I have seen of him, I should say that he is a moral man, from the views expressed by him in conversations with me.

By Mr. HARRISON:

Q. Have you heard Mr. Ellison say that he had no interest in any way in any ventilating patent, or anything of that sort?—A. No, sir; never.

Q. Were you ever present down-stairs and observed anything in the manner of running these engines that was not proper?—A. I have seen the engines running very slowly, and I have seen them standing still. I have seen the doors opened leading into the fan-room, and have seen the fan drawing the air right out of the basement and forcing it into the hall.

Q. When was that?—A. Within the past month, on several occasions; I do not know of course by whose order.

Q. Within the past month you have seen the doors open?—A. Yes.

Q. Which ought to have been shut?—A. Yes.

Q. And the foul air from the basement driven into the hall?—A. Yes.

Q. You say you have seen the engines running slow. Do you mean by that that they were running slow when they ought to have been running fast?—A. I have seen them running at a very low speed.

Q. Well, was it proper that they should be running at a very low speed?—A. I think not, sir.

Q. Then you think you have seen the ventilation carried on in an improper manner?—A. I do not think I could truly say that it was in an improper manner when the doors leading into the fan-room from the passages in the basement were open. I have seen that on several occasions, and I have seen the fan lying perfectly quiet and still, not moving at all, that is, one fan.

Q. And the fan should have been going, you say?—A. I think so; yes, sir.

Q. Then from that statement we are led to believe that you did not think that Mr. Ellison was running the machinery in a proper manner for the purpose of ventilating the hall.—A. Well, sir, I could not think so; it would be impossible for me to think so.

Q. Impossible for you to think that it was being run properly?—A. Yes, sir.

Q. Do you remember, during the month of February or March, an occasion when the ventilation of the House was so bitterly complained of?—A. Yes.

Q. Were you ever below, on the House side, during that time?—A. I was, on several occasions.

Q. What can you state as to the manner in which the ventilation was then being effected?—A. The air was taken in from the space between the House wing and the old Capitol building, and the engines were running at a moderate speed—at rather a slow speed.

Q. How many revolutions a minute, do you suppose?—A. I should say that the large fan for the hall was running at about forty; I have seen it running at thirty; I think the lowest was thirty; that is, judging by observation; I did not count the revolutions, of course; I simply judged by looking at the fan. The exhaust-fans were run at a pretty high speed, and then the action was somewhat reversed; I think that the large fan was run up to about fifty-five, I think I saw it running at about fifty-five at least; and the exhaust-engine running at about thirty, so that they pretty nearly balanced; that is, that they forced in about as much air as they would have taken out per minute; that is, as I should judge.

Q. Was any of the ill-ventilation of the House at that time owing to this deficiency of speed in these fans?—A. As regards the register surface over the floor, if he had run that fan at sixty turns a minute, without a proper quantity of heat from the steam-coils, the result would have been that he would have just killed those members off.

Q. Then it was not a proper speed he was running at?—A. I do not regard it as an improper speed with the register surface at the time. I noticed, by going into the halls, that the registers on the sides had all been closed; and my impression was that they had been closed before Mr. Ellison took charge.

Q. Could they not have been opened?—A. Yes; I think they were opened afterward. I remarked the matter to the chairman, [Mr. Young,] and told him that they were closed.

Q. Then, do I understand you to say that those fans were run with sufficient feed to supply the hall, through the ducts entering the hall, with sufficient air, so far as those ducts were opened?—A. Yes, sir.

Q. Could that registering surface in the House have been altered by Mr. Ellison at that time?—A. The inside registers leading up on the sides could have been opened.

Q. You mean those iron registers in the walls?—A. Yes; but I do not believe that Mr. Ellison knew of the existence of the registers inside, those little shafts that come up.

Q. Are they not plainly shown all around the hall—are they not visible?—A. They are, below the floor.

Q. But the registers above are all visible?—A. Yes.

Q. They are the ventilating iron screens, or something of that sort, above the floor?—A. Yes, sir.

Q. Do I understand you to say that you would have considered that those registers should have been opened and the fans have been driven higher?—A. They ought to have been opened; yes, sir.

Q. Would that have increased the ability to supply fresh air?—A. Yes.

Q. Then, are we to understand from you that those registers not being opened by the engineer, and the fans not being driven faster, are to you an indication or evidence that the engineer was not doing his proper duty in ventilating the House?—A. I think that Mr. Ellison was doing the very best he could under the circumstances. This is what I wanted to convey to you, that with these registers closed, and with the openings in the floor at the time, if he had run that engine at full speed he would have killed you off; he would have cut you through and through with cold air, and brought on rheumatics and colds.

Q. But, if you had been the engineer of that House, would you have kept those registers closed?—A. No, sir.

Q. Then, was Mr. Ellison doing the best that he could have done?—A. I think not, provided he had known of the existence of those registers below the floor.

Q. Were those registers not plainly shown in the hall?—A. They were, sir.

Q. Then, was it not his duty, as a ventilating engineer, to know that they were there?—A. Yes.

By Mr. PLAISTED:

Q. Was it not his plain duty to ascertain whether the proper amount of air was coming through all those registers?—A. Yes.

Q. And would not an investigation reveal the fact that they were closed?—A. Yes.

By Mr. HARRISON:

Q. Then, how can you say that he was doing the best possible under the circumstances; do you mean the best possible under his ignorance, and, if not that, what do you mean to say?—A. What I mean to say is, that ventilation was entirely a new thing to him, and that he was doing the very best he could with the light before him.

Q. That is, with his knowledge?—A. Yes.

Q. It has been said here and whispered about that Mr. Ellison was running the ventilating machinery for the very purpose of ill-ventilating the House; did you see anything in the management of the ventilation that led you to believe that that charge was correct?—A. No, sir; not a thing in the world; and I was exceedingly careful to investigate that matter myself.

Q. Then it was simply that the fault of Mr. Ellison was that he did not understand his business?—A. That is, did not understand the subject of ventilation. I do not speak of engineering now, but of ventilation, and the heating and ventilating of buildings.

Q. That he did not understand the heating and ventilation of buildings?—A. That he did not understand the subject of ventilation, the heating and ventilating the hall; that it was an entirely new thing to him.

Q. You mean, then, to say that Mr. Ellison is doing the best under the circumstances; you mean to say that Mr. Ellison was doing the best he could as a man that was ignorant of the subject of ventilation?—A. I do; yes, sir; and in regard to the hall in particular; it is a very peculiar hall to heat and ventilate—a very peculiar one indeed.

By Mr. PLAISTED:

Q. You mean he did not understand the subject of ventilation as applied to that hall?—A. Yes.

By Mr. HARRISON:

Q. He was not aware of the existence of those ventilators around the walls, you think, or do you know anything about that?—A. I think that he spoke to me about them at one time.

Q. Why did he not open them and increase the supply of fresh air?—A. I think he asked my advice, if I remember correctly, on a Sunday morning as we were going through the hall.

Q. When was that?—A. That was shortly after the time when there was so much complaint in regard to the hall; I think that was the time, but I could not say that I am sure about it.

Q. What was your advice to him?—A. I think I told him that they could be opened, or he could do just as he pleased about it. I think I told him that if they were opened that would give more air—more cold air.

Q. Did he open them?—A. I cannot say whether he did or not. He told me afterward that he had them all open some time afterward. I did not examine them to see if it was so.

Q. Was not that as late as some time in April?—A. Yes: I think he told me that he went there with Robert Briggs, of Philadelphia, and that they were opened at the time; that is my impression now.

Q. Summoning it all up, you are asked as to Mr. Ellison's qualifications as an engineer—whether or not he was fitted for the duty of ventilating that hall?—A. In regard to his qualifications as an engineer, I know nothing whatever.

Q. But he is an engineer placed there for the specific purpose of ventilating that hall.—A. Yes.

Q. Then you can give an opinion as to his qualifications for that position.—A. I could not state about that, for I have no knowledge as to his mechanical engineering; but as engineer to ventilate the hall of the House of Representatives, I think he is as good as the average. I say that from personal observation and personal conversation with him. I do not think that any man can come here and take this hall and heat and ventilate it properly unless he has had some experience. I don't think that any living man could do it.

Q. You have testified that you consider that Mr. Ellison did not understand it; do you by that mean to say that his mental and scientific acquirements were not sufficient, or simply that he lacked experience in regard to that particular hall?—A. I meant that he lacked experience in regard to this particular hall; that is precisely what I meant.

Q. In other words, that any man, even if thoroughly competent, would have to learn the hall before he could ventilate it?—A. Yes, sir; it would require some little time.

Q. Do I understand you to say, then, that the difficulty in the management of the ventilation you do not consider is owing to mental incapacity on the part of Mr. Ellison?—A. I do not, sir.

Q. But to the fact that he has not yet learned the hall?—A. Yes, sir; that is just what I wanted to convey.

By Mr. YOUNG:

Q. Could any man, however well he might understand the general theory of ventilation, ventilate the hall as well as it could be ventilated with the present fixtures without time to study its arrangements? Could he do it as well at first as he could after studying it a little while?—A. No, sir; not by any means.

By Mr. HARRISON:

Q. Your meaning is, that any man coming here, who may be thoroughly qualified, might take some time to learn this hall before he can do his duty?—A. Yes, sir; that is exactly what I intended to express.

By Mr. ELLISON:

Q. You are the engineer over at the Senate?—A. Yes.

Q. You say that the doors on this side have been left open between the cellars and the outside aperture that conveys the air to the hall?—A. Between the passage in the basement and the fan-room.

Q. That is where the outside air is?—A. Yes.

Q. You say that they have been left open?—A. I have seen them open.

Q. And that the air from the cellars has been sent up-stairs thereby?—A. Yes.

Q. How many times did you see those doors open?—A. I saw them three times.

Q. Do you know when that was?—A. It was within six weeks.

Q. Was it on three days in succession?—A. I was not over there three days in succession.

Q. Was it a week apart?—A. I think it was.

Q. About a week apart?—A. Yes.

Q. But on three different occasions?—A. Yes.

Q. How long did you stay there to see the doors open?—A. I was there but a minute probably each time. I was just passing through.

Q. And you saw the doors open just as you were passing through?—A. Yes, sir.

Q. Passing through which way?—A. I was passing from the fire-room up to the first floor, called the basement floor.

Q. On all three occasions?—A. No; I think I passed once or twice into your office.

Q. Can you see that door open when you come from the fire-room into my office? Can you tell whether it is open or not?—A. Yes.

- Q. You are sure you can see the door?—A. Yes; because I looked to see if I could.
- Q. And you have seen it open on three occasions?—A. Yes.
- Q. You have seen it open, then, one minute on each of three occasions?—A. Yes.
- Q. You never have seen it open on any occasion more than a minute?—A. No; because I did not remain there any longer.
- Q. But the three times that you were there you did see it open?—A. Yes.
- Q. Have you told anybody that that door was standing open all the time?—A. Yes.
- Q. Did you tell them the truth when you told them that?—A. I asked the engineer if that door was left open.
- Q. What engineer?—A. Mr. McGlensey.
- Q. What did he say about it?—A. He said, yes, it was.
- Q. Were the three occasions on which you saw the door open occasions which occurred since Mr. McGlensey has been there?—A. It was on one occasion I came in there and inquired for you, and as I passed out I saw the door open, and I spoke to Mr. McGlensey as I have stated.
- Q. Was there anybody else present but Mr. McGlensey?—A. I think there was a gentleman with me.
- Q. Did you call his attention to the fact that the door was open?—A. No, sir.
- Q. Where was I?—A. I think you were on the floor of the House.
- Q. Did you know by whose order that door was opened?—A. No.
- Q. Did Mr. McGlensey tell you anything about that?—A. No.
- Q. Did you ever ask him why it was opened?—A. No.
- Q. Did you not suggest to him that it was a good way to ventilate the cellars?—A. I do not think I did. I have no knowledge, because it was done so quick. I passed through the place rapidly, and the whole thing was done in such a hurry that I do not think I said anything of that character. I made this remark; said I, "Do you leave the doors open?" He said, "O, yes," and that was the last of it.
- Q. You speak of those registers that are under the floor; can these registers be seen from the floor?—A. No; not to my knowledge.
- Q. You went around with me under that floor with a light on one Sunday; do you remember that?—A. Yes; I think I do; that is, I went just on the edge, not underneath the floor.
- Q. What month was that in?—A. I cannot remember about that.
- Q. Can you not tell whether it was in February or March?—A. No; I know that it was during the winter; I think it was.
- Q. How far round did you ever go with me to see whether those registers were open under the floor?—A. I think we just went inside and I stood by a coil of pipe, and I think you went away round some distance with your lantern in your hand.
- Q. Then you do not know whether I opened those registers on that occasion or not?—A. No.
- Q. Did I not ask you on that occasion the object of having the registers under the floor closed?—A. You may have asked me; that I do not remember.
- Q. Did you not tell me that time those were closed to equalize the temperature in the hall, so as to throw an equal current all round that hall, and make it an even temperature?—A. I think not. I do not see how I could.
- Q. Well, what was the object of those registers being closed? You found them closed when you were there.—A. I do not know the object, but I will tell you why I thought they were closed.
- Q. Why were they closed, then?—A. It looked to me as though they were closed to cripple you, [Mr. Ellison.] I did not know that they were closed until I felt with my hands along on the face of the register above the floor; they were formerly open, and I believe that they were closed on purpose to impede the progress of the incoming air.

By Mr. HARRISON:

- Q. Then, you simply guess that?—A. That is merely a supposition on my part.
- Q. That was before Mr. Ellison arrived here, then?—A. I suppose so.
- Q. Could they have been closed after he came here?—A. No, sir; I suppose not. If it were done for that purpose, it must have been done before he was appointed. There were some intimations that it was connected with a job, and I would like the committee to question me on that point.

By Mr. ELLISON:

- Q. Have you had any interest in common with me in any job to ventilate this House?—A. No, sir; I have not.
- Q. Have you ever explained to me your scheme for ventilating this house?—A. I have not.
- Q. Have you ever shown me the plan by which you wanted to ventilate this House, if you got the job?—A. No, sir; I never showed you a single plan. You have asked me to explain it to you and I have declined.

By Mr. PLAISTED:

- Q. Did you ever give Mr. Ellison any instructions in regard to the proper ventilation of the House?—A. I made a number of suggestions to him.

Q. When he first took charge?—A. Yes.

Q. What did you do?—A. I think about the first suggestion I made to him was to take out the gratings that are at the entrances for fresh air; another was to attach a steam-gauge to each one of the main steam-pipes that conveyed steam to the different coils for heating the committee-rooms and passages, and also a steam-gauge to the main steam-pipe for heating the hall, so that he could graduate the degree of heat by seeing the number of pounds of steam in the gauge; the same as we are now doing over on the Senate side.

Q. Were there any other suggestions?—A. I think there were several.

Q. Did you ever show him anything in regard to the running of the machinery?—A. No, sir.

Q. Did he ever ask you to show him?—A. He would ask me about the different engines, but I cannot now remember the precise questions that he put to me.

Q. Asked you about what; and for what purpose?—A. I think he has asked me about the steam-pumps, and I think the boilers and flues, and he has asked me upon several occasions about the pipes. I think we went down upon several occasions and examined the pipes.

Q. When was that?—A. Last winter.

Q. When he first came here?—A. Shortly afterward. I was always disposed to aid him all I possibly could, and assist him in every way whenever he requested any assistance, but he was very shy about it.

By Mr. ADAMS:

Q. Are you not aware of the fact that Mr. Ellison, when he first came here, felt that the officers who expected to go out, and a part of whom had gone out, were intentionally endeavoring to conceal from him the construction of the pipes and air-passages, and things of that kind, which it was necessary for him to know about in order to discharge his duties?—A. Yes; they did. They tried to impede his progress in every possible way.

By Mr. HARRISON:

Q. Do you know that, that they tried to impede it, or is that merely a suspicion on your part?—A. I know that they did by their actions, and by conversations which I heard from time to time, and also from what parties said to me.

By Mr. ADAMS:

Q. Do you remember ever having any conversation with me in which you spoke favorably of Mr. Ellison's qualifications soon after he was appointed?—A. I do, sir.

Q. And in which you manifested an interest to aid Mr. Ellison, and give him any information you might have about the construction of the hall, or the means of ventilating it, because you felt that others there, whose duty it was to assist him and show him the construction of things, were determined to keep him in the dark if they could?—A. Yes, sir.

Q. You say you have positive evidence that the men who were there, a part of whom had gone out, and a part of whom were expecting to go out, were intentionally concealing things from Mr. Ellison which it was necessary for him to know?—A. Yes.

Q. Do you think that any man, however good an engineer he may be, and however well he might understand the general subject of ventilation, could come to this hall, not understanding the construction of the hall and the various means of its ventilation, and with a set of men here around him who should be attempting to mislead him, would become very familiar with the details and operations of things under such circumstances?—A. I do not.

Q. Then do you think that Mr. Ellison's failure to become familiar with all these things was a result of his want of study or of qualifications on his part, or the results of circumstances over which he had no control?—A. I think Mr. Ellison was laboring under great difficulties; he did not know whom to trust and whom not to trust.

By Mr. HARRISON:

Q. He was afraid of all that were there?—A. Yes, sir.

By Mr. ADAMS:

Q. Do you think he had reason to be afraid of them?—A. Yes; and I think that when I made a good many suggestions to him, he was suspicious even of those suggestions; he did not know whether I was his friend or his enemy; in fact, he told me so in plain terms.

Q. You are satisfied, then, that there was a combination among those men to keep concealed from Mr. Ellison things that he ought to have known?—A. I think so; because there were one or two of them that told me so.

By Mr. YOUNG:

Q. Do you know Mr. Sherman who was formerly employed here?—A. Yes.

Q. Did you ever have any conversation with him on the subject?—A. I did, sir.

Q. Were you ever informed by him that he would remove Ellison at any hazard, that he would take any measures to get him out of there?—A. He told me, too, at one time that he should do all he possibly could to get Ellison out; and to the effect that, if I did not cease to explain the operation of the department to Mr. Ellison, they would also attack me.

WASHINGTON, D. C., May 23, 1876.

WILLIAM E. CURTIS sworn and examined.

By Mr. YOUNG :

Question. What is your residence and occupation?—Answer. I reside in Washington, and represent the Chicago Inter-Ocean.

Q. The Inter-Ocean has stated that Mr. Adams received \$500 for the appointment of some of the appointees of the House?—A. No, sir, I do not think it has made any such statement; it made a statement to the effect that a member of Congress was preparing a presentation to make to the House to show that Mr. Adams had been guilty of selling his patronage, and the paragraph stated that from \$100 to \$500 was the price. I based that paragraph upon information—a casual remark rather—made to me by a member of Congress, to the effect that he had been given information in regard to Mr. Adams selling his patronage, and that he should, as soon as he got it down fine, as he expressed it, present it to the House. I asked him to give me the circumstances, but he declined to do so; and when I left him I thought that the mere fact that he was preparing this report would be a good news paragraph; so I wrote it up. When I first wrote it I first made the price \$500; and after I had written it and thought it over, I did not exactly remember whether it was \$500 or some other sum, so I put it at “from \$100 to \$500,” to cover whatever it might be. I made no definite charge.

Q. Did you ever hear from any one, when you were in the presence of Judge Wright, about \$500, or a note of \$500, being made the consideration for appointment to a position?—A. I am not aware that I ever was in Judge Wright's presence.

Q. Do you know Judge Wright, of Indiana?—A. I do not, and do not remember to have ever seen him; I may have seen him, but do not remember it.

Q. Were you ever present on this floor, or the floor below, when a Mr. McGlensey was present?—A. I do not know Mr. McGlensey.

Q. Mr. McGlensey is one of the engineers down-stairs, a tall man; were you ever present when he stated something about a five-hundred-dollar note?—A. No, sir, I never heard any such conversation as that; I do not know the man.

Q. Was any statement made in your presence by anybody else regarding these \$500?—A. I never heard anything about it except from this member of Congress. It is due to Mr. Adams, perhaps, for me to say that I know nothing about this matter whatever—have never heard anything directly about it. There have been rumors among newspaper men, for two or three months, to the effect that charges were to be brought against Mr. Adams, but I never saw them or heard of them of form, and I do not know of any one that ever did. Paragraphs relating to that matter, similar to the one that I printed, have appeared in different papers; in our slang, we call them “blinds to cover a scoop;” that is, we hear of a thing that is going round, and fear that somebody else will have it and publish it first; so we send out “a blind,” so as to cover the ground and yet do no injury—a simple non-committal alluding to the matter. Those paragraphs have been printed in several newspapers, and are similar to the one I printed. But this information, I have understood, has been offered to newspapers. A man whom I do not know came to me one day, and wanted to know if I had heard anything about this engineer's contract; and I told him that I had read something in the newspapers about it—I think it was in the New York Times—that I had read a letter in regard to it, but did not know anything about it, and did not care anything about it, and the matter was dropped. I do not know who this man was; it is a very indistinct impression upon my mind, and I would not know him again if I should see him. I think he stopped me in the hall up-stairs; but I will not be certain about that; we had these things occurring every day.

By Mr. ADAMS :

Q. Can you give this committee any information as to the sources from which this report originated, as to the party or parties who it was said knew about these things?—A. All I can say is, that since the resolution directing an investigation into this matter was passed, (I believe at Mr. Adams's request,) and giving the Inter-Ocean as the authority, or rather falling back on that as the authority or motive for the investigation, I have been inquiring a little about it, so as to have something to say to the committee if I should be called. I went to this member of Congress, and he told me there was nothing in it, and he had satisfied himself that there was nothing in it, and begged me not to mention his name. I told him I would not. Then I had to look around for somebody who knew something about it; and I must say, with all respect to Mr. Adams, that I was anxious to prove it to be true. I had made that statement, and I wanted to substantiate it. I have been told that Judge Wright, this same gentleman mentioned here, and a man named Sanderson, whom I understood to be a relative of the proprietor of the Congressional Hotel, knew something about it, and I was advised to go and see them, as they were familiar with the circumstances. I have not seen them, and have preferred not to see them, although I understood that Judge Wright has been looking for me. I did not wish to see them, from the fact that I had got into this thing as far as I wanted to, and I thought, if I could mention their names to the committee, it might lead to something without my getting into it further.

By Mr. HARRISON:

Q Your "blind" had not reached anything?—A. It is still a "blind."

By Mr. ADAMS:

Q. In your anxiety and efforts to find something to substantiate what you stated in the paper, have you succeeded?—A. My efforts have been fruitless.

Adjourned to May 26, 1876, at 10 o'clock a. m.

WASHINGTON, D. C., May 26, 1876.

NICHOLAS G. SANDERSON sworn and examined.

By Mr. HARRISON:

Question. Where do you reside?—Answer. No. 531 Sixth street, Washington.

Q. Do you know Mr. Ellison?—A. I never saw him until he was appointed here.

Q. What do you know of him as to his fitness as an engineer of this House?—A. So far as my experience as an engineer teaches me, he is a man that, in my opinion, is not qualified for the place.

Q. Why?—A. From the manner in which he has been heating the building. I think he has heated that building purposely in the manner that he did, simply for the reason that he had a heating apparatus that he wanted to introduce into the building.

Q. Why do you say he had a heating apparatus to introduce?—A. Because I saw the model down there. I do not know whether he has offered it to the committee or not, but it was the intention and idea that he should offer it. There was a model there that was shown to me. I do not now remember whether it was on that side or on the Senate side that I saw it. It was in the early part of the session.

Q. How do you know it was Ellison's model?—A. I do not know that it was. It was reported to me as such.

Q. Who told you it was Mr. Ellison's?—A. Mr. McGlensey told me, who was assistant engineer in the House.

Q. What did he tell you?—A. That Mr. Ellison had a model here to introduce into this building.

Q. Was that before McGlensey was appointed?—A. Yes. Most of my information I got from him in reference to this man Ellison. I never knew anything of the man, and never saw him, and I did not think, from what he told me, that Mr. Wood examined him on steam-engineering.

Q. Do you know anything, of your own knowledge, showing this man's unfitness for the position he holds?—A. Only in reference to heating the building in the first part of the session. That is all.

Q. That is, you think, from the way it was heated, that the man that was heating it was not a good engineer, or was not trying to do it well?—A. Yes.

Q. That was a surmise of yours simply?—A. Yes.

Q. It was your opinion?—A. My opinion; and I believe I was right in my opinion.

Q. Have you any reasons for thinking so more than the fact of the hall being badly heated?—A. No; I cannot swear positively that I knew anything with certainty. It was only my opinion. If I had ever thought that I would be brought before the committee, probably I would have hunted up more about the matter than I heard about it, and would have known something positive on the subject. As it is, I do not know anything about it, and can only express my opinion.

Q. Did McGlensey or any one else ever tell you anything about the reason why Mr. Ellison was appointed?—A. No, sir; I do not know that he told me why he was appointed.

Q. Did he or any one tell you that Ellison was appointed for a moneyed consideration, or in consideration of some note passing?—A. No, sir; I never conversed with anybody upon any such subject. The first I knew of that was from an extract I saw in one of the Washington papers, taken from the Chicago Inter-Ocean.

Q. That was all you knew about it?—A. Yes.

Q. You say that what you learned about Ellison was principally from Mr. McGlensey?—A. Yes.

Q. When was it that you talked with McGlensey?—A. About the time that Ellison was appointed.

Q. What did McGlensey say about it?—A. He said a good deal. I do not know that I could remember fully all he said.

Q. Give us some of the points.—A. He told me that Mr. Ellison had been a boss plumber in the Brooklyn navy-yard, and had been dismissed from there for stealing copper and lead pipe, and that he was able to prove that, and would prove it.

Q. McGlensey said he was able to prove it?—A. Yes; and that the man that succeeded Ellison, whose name I do not remember now, knew all about his taking this copper and lead pipe from the Brooklyn navy-yard while he was there as boss plumber, and that he

(McGlensey) got this information from him. This man Sherman had a good deal to say about Ellison too, but I did not pay much attention to that, because he was feeling sore about being dismissed.

Q. Did Mr. McGlensey ever tell you that he was going to have Ellison put out?—A. I do not remember that he did.

Q. Did you ever talk to McGlensey in the presence of Judge Wright?—A. No, sir; I never spoke to Judge Wright in my life, that I know of.

By Mr. PLAISTED:

Q. Where was this model of the ventilating apparatus when you saw it?—A. I cannot tell you exactly. It is like a dream to me, in reference to that model.

Q. Who was present besides McGlensey when you saw it?—A. When I come to think of it, I think it was Mr. Jones that told me that a model was down there. I did not see it. If I can overhaul my memory correctly, Mr. Jones, I believe, was the man that told me a model was down there and had been put before the committee, and that Ellison was offering to put it in the place of the present heating and ventilating machine for the sum of \$82,000.

Q. Did he say that Mr. Ellison was interested in that model?—A. Yes; I think he did.

Q. You say you think. Do you know?—A. I would not like to be positive on that point.

Q. Did he say whose model it was, who owned it?—A. I understood it to be Mr. Ellison's.

Q. And you got that information for Mr. Jones?—A. I think I did.

Q. Did you ever see the model?—A. Never.

Q. Never had any conversation with him about it?—A. I never spoke to Mr. Ellison but once, and that was when Mr. Gause and I went down there one day to see the machinery. Mr. Gause had never seen the machinery, and I went down with him to see it. When I went into the room I introduced this gentleman to him. I knew by sight that he was the chief engineer. I happened to say, casually, at that time, that I was an applicant for this place which he had been appointed to, and after saying that, Mr. Ellison refused to show us around. He says, "You know more about this machine than I do, so you can show it to the gentleman," and he left us abruptly.

Q. Were you an applicant?—A. Yes; I was an applicant for the chief engineership, or one of the assistants' positions.

Q. When you saw Mr. Ellison you did not have any conversation with him?—A. Only to introduce Mr. Gause, as I have said. I told him that Mr. Gause was a member from Arkansas. I thought it was his duty to show him the machinery, but when I spoke to him, saying that I had been an applicant for the place, he fell back, and did not show us anything.

By Mr. YOUNG:

Q. Were you examined when you made application for the position of engineer?—A. No, sir.

Q. Why were you not?—A. Because I was not ordered to an examination.

Q. Whom did you apply to for the appointment?—A. To Mr. Adams, and I was backed by Mr. Gunther, Mr. Waddell, Mr. Walling, Mr. Gause, Mr. Randall, by three of the Arkansas delegation, and some others.

Q. Although you were an applicant, Mr. Adams did not consider your application enough to invite you to appear?—A. No, sir; although I was backed by a number of members that had backed Mr. Adams.

By Mr. ELLISON:

Q. Did you say you had never seen that model?—A. I never saw your model.

Q. Where did you see the model that you did see?—A. I have told the committee I do not recollect seeing it at all.

Q. Are you an engineer?—A. Yes, sir; I think I am a better engineer than you are.

By Mr. PLAISTED:

Q. How long have you been an engineer?—A. I served my apprenticeship to Dickey Rock, beginning in 1833. I remained with him until he died, (three years afterward;) then I went into the navy-yard and remained there until 1856. I then went into the United States marshal's office, where I remained five years.

Q. As an engineer?—A. No; I then went South during the war, and had charge of the railroad shops in Saulsbury, N. C., as master-mechanic, until Catesby Jones applied to the navy department at Richmond for me, and I was sent to Selma, Ala.

By Mr. HARRISON:

Q. You never watched Mr. Ellison's proceedings in the management of the ventilation, did you; you only judged from results?—A. That is all.

Q. And you came to the conclusion that if he had been a good engineer there would have been different results?—A. That is it, sir.

By Mr. ELLISON:

Q. You spoke of this building not being ventilated and heated well.—A. Yes, sir; I mean the House of Representatives.

Q. How long at a time have you been in the Hall?—A. Every day since the House has been in session.

Q. What is your present business?—A. I do not know that that is any of your business.

Q. I want to know whether you are a lounge around here, or whether you have a legitimate business.—A. I will not answer that, sir, except to say that I am no lounge. I am an American citizen, and have a right to do what I choose with my time.

Q. What is your legitimate business?—A. I am doing nothing at present.

Q. How long have you been out of business?—A. Some time; but I am not supported by you. So far as my character is concerned you can ascertain it from all the leading men of this town.

By Mr. YOUNG:

Q. How did you ascertain that the Hall was imperfectly ventilated?—A. By being in the gallery and listening to the proceedings of Congress.

Q. Could you tell by listening to those proceedings that the Hall was badly ventilated?—A. Yes.

Q. Was it by hearing the members talk about it, or how?—A. By my own experience.

Q. What fact was there that led you to conclude that the Hall was not properly ventilated?—A. I could tell that it was overheated.

Q. How do you know that fact?—A. By the pressure of the air.

Q. Were you inside the Hall?—A. I was inside the gallery.

Q. How could you tell as to the ventilation in the Hall without going into the Hall?—A. I would be in the Hall before Congress met. Congress does not meet until 12 o'clock.

Q. How long would you remain in the Hall?—A. Sometimes I would be there half an hour, before the meeting. Perhaps sometimes an hour. I would be around there frequently from 11 to 12.

By Mr. ADAMS:

Q. Do not you know that it is true that there has been a systematic effort on the part of disappointed applicants for the positions in this engineer's department, and on the part of those who were discharged from the engineer's department, to make war upon Mr. Ellison, and upon me, and to circulate reports reflecting not only upon him, but upon me?—A. I believe there has been a disposition to do that, particularly from those who were discharged.

Q. Don't you know that there has been a systematic effort on the part of disappointed applicants for positions, as well as upon the part of those who had been discharged?—A. I can speak for myself. I cannot speak for anybody else. I was somewhat dissatisfied about you retaining men there, as I told you the other day, and I was the cause of that article published in the New York Sun and the Baltimore Gazette, in reference to your keeping that "nigger" there. I told you the other day that I was the author of that article, or dictated it, rather. I thought you ought not to keep that "nigger" there when you could have got plenty of white men in the democratic party to fill his place.

By Mr. PLAISTED:

Q. In what capacity is this person whom you call the "nigger"?—A. He is a messenger in the Library; but I do not want you to understand that I was any applicant for his place.

By Mr. ADAMS:

Q. But you were the cause of that article being published in two newspapers reflecting upon me for retaining certain republicans, and among them this "nigger," as you call him, who was a messenger in the Library?—A. I do not know that it was exactly in these words, but I was the cause of the article being published, directing attention to the "nigger" being retained there.

Q. You thought it improper for me to retain this "nigger"?—A. Yes; while you could get a white man to take his place.

Q. Do you know anything about the qualifications of that "nigger" to discharge the duties devolving upon him?—A. I do not know that I do, but I do not think that you would have much difficulty in getting a white man to discharge those duties.

Q. Do you belong to the Jackson Democratic Association of this city?—A. I have belonged to the Jackson Democratic Association since 1844, and am an active member of the association, and have paid my money into it.

Q. Were you present and did you take part in the meeting of that democratic association which passed a resolution appointing a committee to investigate and report to the association by what means it was that the Clerk of the House of Representatives was induced to retain certain republicans, while there were democrats who wanted their places?—A. I was not, sir. I did not happen to be at that meeting, but I very likely would have taken part in it if I had been there.

Q. Do you know anything about the qualifications and fitness of the republicans who have been retained in my office for the duties which they perform?—A. I do not know that I do; but you can certainly get democrats to fill their places.

Q. And although you were not an applicant for any of those places that are held by republicans, you felt it your duty, and your association felt it their duty, to inquire why these persons were retained, and to appoint an investigating committee to look into the matter?—

A. I was not at the meeting when that was done, but I want to tell you that if it had not been for that democratic association there would have been no democratic majority in the House of Representatives to-day. It was that association that broke the back-bone of the republican party.

By Mr. PLAISTED :

Q. Do you know anything about the qualifications and experience of those men that Mr. Adams retained who are republicans?—A. I do not know anything about that, but I thought that other men, good democrats, could be had who could perform the duties.

By Mr. ADAMS :

Q. Have you not stated that you had been the cause of two articles being published upon the subject?—A. That had reference to the darkey only. They were the articles published in the New York Sun and the Baltimore Gazette, but I was not an applicant for that darkey's place. I believe his pay is \$1,440.

Q. Don't you think that a Clerk of the House of Representatives, who is responsible for the manner in which the duties are discharged, ought to be a better judge than any one, else as to whom he wants to help him perform the duties for which he is responsible?—A. I agree with you there.

By Mr. HARRISON :

Q. While you agree with Mr. Adams, then, did you or not feel that where he could put a democrat in the place of a republican he ought to do so?—A. That is just my feeling exactly, and that is why I took the action I did. I asked for no position for myself except the engineer's position. I failed to get that, and that was the end of it.

Q. Because of your failure to get that did you do anything to stir up inquiry or objection against Mr. Ellison?—A. I did not, sir.

Q. Did not the Jacksonian Democratic Association endeavor to have him put out?—A. I do not know that they did; but, as I remarked a while ago, if I had been at that meeting I would have taken part in those proceedings in reference to arraigning Mr. Adams about his course in keeping certain people in who ought to be turned out.

By Mr. ADAMS :

Q. How many members of that democratic association were applicants for places here?—A. I do not know.

Q. Do you know Dr. Allen?—A. Very well. He is the secretary of the club.

Q. Do you know whether he is an applicant for a place?—A. I do not.

By Mr. PLAISTED :

Q. Do you know how many members of the club there are who were not applicants for places?—A. I do not.

By Mr. YOUNG :

Q. Do you know how many members there are in the club?—A. Five hundred, I guess.

Q. Have you any unkind or unfriendly feeling toward Mr. Adams or Mr. Ellison?—A. I have not.

Q. If Mr. Adams had appointed you would you have had these articles published in the newspapers?—A. I would not.

Q. Did you publish them because he would not appoint you?—A. No, sir; I did not; but I will be frank with you, and say that if I were an employé of Mr. Adams I could not have done it. I have no ill feeling against Mr. Ellison, and have not had any; but I shall hold him accountable after this for what he has said. Before I go I want to say that I complained of the article that this man Ellison published announcing himself as a liberal republican, and I complained of Mr. Adams appointing a man of that kind.

ABRAHAM S. HEWITT sworn and examined.

By the CHAIRMAN :

Question. A resolution has been referred to this committee directing it to inquire into the mental and moral qualifications of Mr. Ellison, the engineer of the House of Representatives. Can you give us any information upon those subjects?—Answer. My personal acquaintance with Mr. Ellison began by his coming to me with a letter of introduction, from whom I cannot say, but the thing which attracted me to him most favorably was a certificate which he

produced from Mr. Cogswell, whose name, I think, is William B., formerly an engineer in New York, and in charge of the steam-work at the Brooklyn navy-yard during the war, a man of the very highest rank in his profession, who retired from the service after the war and engaged in the iron-manufacturing business at Clinton, near Utica, in New York State, and I think is now in charge of the great iron-works on the Mississippi River below Saint Louis. He is a member of the Institute of Mining Engineers, of which I am one of the officers, and I have known him for many years as well and favorably as I know any man. I consider him one of the most competent mechanical engineers in the United States. Mr. Ellison produced a certificate from Mr. Cogswell, showing that he had served under him in the navy-yard with great credit to himself and great acceptance. That was conclusive to my mind, and I thereupon recommended Mr. Ellison to the Clerk as a suitable man for the position of engineer of the building. His moral character I had known nothing about. I had heard of him in New York, and had never heard anything against him, but had no positive knowledge as to his moral character. Subsequently Mr. Adams requested me to go down to the ventilating and heating apparatus of the building with Mr. Ellison, and see what he seemed to know about it. I did go down with him as far as the steam-engine, and asked him some questions about it; or rather, he made some remarks to me which induced me to ask him some questions, and I came to the conclusion in my mind that he did not know the difference between a high and low pressure engine. I refused to go further, and went directly back, and said to Mr. Adams that I would not appoint Mr. Ellison, or any other man, except upon an examination by some competent men in the Navy, doubts having arisen in my mind about Mr. Ellison's qualifications as a steam-engineer. Mr. Adams thanked me very heartily, and said he would have an examination made of these parties, and asked me whom he could get to make such an examination. I said, "There are engineers connected with the Navy here who would be very glad to make such an examination," and he said he would have such an examination made. He told me afterward that he had caused one to be made, and that Mr. Ellison stood at the top of the list. I told him that such an examination would be conclusive to me, and I thought Mr. Adams was justified in taking a man selected in that way, but I distinctly withdrew all indorsement of or connection with the name of Mr. Ellison until such examination should be made.

By Mr. PLAISTED :

Q. What were the questions which you asked him which changed your mind as to his capacity?—A. It was some remark he made as to a double-acting and single-acting engine. It seemed to me that he confused the idea of a double with the idea of a single acting engine and the idea of a high-pressure engine with that of a low-pressure engine; that he seemed to think a single-acting engine was a high-pressure engine, and a double-acting engine a low-pressure engine. I believe that was the point. I did not see it exactly that way, and I stopped right there, and said, "Mr. Ellison, I do not think you understand the steam-engine." I cannot give the precise language, of course, but I think that was the substance of it.

Q. Did you ask him any questions as to what course he should take to avoid any accident of the boilers?—A. I did not. I went no further than that. I thought that was enough. I thought that if a man did not know the difference between a high and low pressure, and a single and double acting engine, he did not know anything, and thereupon I withdrew. I will tell you another thing. I was very much astonished when I heard that he had passed a very able examination. I thought that he had either been very much confused in his conversation with me, or else that the people in the Navy Department did not know as much as I thought they ought to know. Nevertheless, the responsibility was off my hands, and I think, off Mr. Adams's. I want to say that it seemed to me that Mr. Adams desired only to get at the truth, just as I did; I saw no evidence of anything else. He said that he thanked me very heartily for giving him the advice I did.

By Mr. HARRISON :

Q. You are a practical man in that sort of thing?—A. I have rather a peculiar knowledge of those branches. My whole life has been passed in them, but I do not regard myself as a mechanical engineer. Of course I know the steam-engine, and how it works.

Q. You know enough about it to criticise a man who is a practical mechanic, you think?—A. On some points; yes.

Q. If a man has passed a written examination before an engineer or a board of engineers, and if he should not, three or four months ago, have known the difference between a high and a low pressure engine, could he, being a good workman, and a man of sense, and a mechanic, learn enough in three or four months of attention to those things to run those engines, and have charge of them?—A. I think it is possible for a man to know all about a steam-engine and to be able to run it, and yet not know the difference between a double-acting and a single-acting engine, and high and low pressure engine. I can imagine some such ignorance as that, but it takes a very considerable stretch of my imagination to do it. An intelligent man ought to know it. Still, a practical man might work an engine and be in absolute ignorance of the laws governing steam, and the terms by which particular engines are described.

Q. He might not be an engineer in theory, but being a good workman would know it from a sort of routine?—A. Certainly. A great majority of engineers are such men.

Q. And are thoroughly efficient?—A. Very good, indeed; but I never met one of those men who did not know the difference between high and low pressure engines.

Q. If you were to find a man that understood the nature of ventilation, which is the main thing about the House, who had been a mechanic, and although three months ago he did not understand the question that you put to him, and you should go down to-day and examine him on that steam-engine and find that he now understands those things and is able to run the engine, would you recommend him as capable of having charge of this engine?—A. I should say he was capable of having charge of it if he learned all that there was practically in connection with it.

Q. The engines down-stairs are the simplest kind of machinery, I believe?—A. Extremely simple. There is no difficulty in running them at all. We run the same kind of machinery in the Cooper Institute, New York, for the ventilation of the great hall, and it is run by an ordinary engineer of good practical intelligence. I never asked him as to his knowledge of theory at all. I found Mr. Ellison, I must say, an exceedingly intelligent man about everything else, and that was what astonished me so much—that a man of his intelligence should be, as I thought, so ignorant of these distinctions. Perhaps he got a little befogged on that occasion, however.

By Mr. ADAMS:

Q. You had, previous to that time, upon the information derived from Mr. Cogswell, in whose judgment you had entire confidence, recommended Mr. Ellison to me as a suitable man?—A. Yes; and I stated to you why. I told you that Mr. Ellison had procured a certificate from Mr. Cogswell. If that certificate had turned out to be forged I think that I and you would be exempted from any responsibility.

Q. After you went into the heating and ventilating department at my request, with Mr. Ellison, and doubts arose in your mind about his fitness, you suggested to me, you say, that it would be well to have those whom I contemplated appointing examined before a board of competent engineers in the Navy Department?—A. Yes, sir.

Q. I will ask you now whether in that same conversation you did not say to me, "I withdraw any indorsement I have made of Mr. Ellison until such examination has been made?"—A. Yes; I did say that.

Q. And that if upon such examination he was found to be competent in the opinion of those Navy engineers, that you would then desire to renew all that you had said to me in his favor?—A. I said that.

STEVEN K. COSTER sworn and examined.

By Mr. ADAMS:

Question. In what business are you engaged?—Answer. I am in the coal business.

Q. Do you know what kind of coal is used in the heating department of the House of Representatives?—A. I do.

Q. Has there ever been a time this past winter in which the same sort of coal that is used down there could not have been gotten in your yard or in other yards in the city?—A. It could have been gotten at any time. There never has been a time when it could not.

By Mr. ELLISON:

Q. You are a coal-dealer in this city?—A. Yes.

Q. Did you ever furnish Mr. Freund with coal?—A. I did, sir.

Q. From when up to when?—A. I furnished him, I think, altogether, from three to four tons of coal, beginning about two months ago and ending about six weeks ago. He bought it half a ton at a time.

Q. Do you know the quality of coal that has been furnished to our boilers?—A. I do.

Q. Have you had the same quality of coal in your yard?—A. Yes, sir.

Q. Have you had such coal there all winter?—A. Yes, sir.

By Mr. HARRISON:

Q. Where does Mr. Freund get his coal now?—A. I do not know. I think from Mr. Emery.

By Mr. ELLISON:

Q. You do not think he gets it out of the House coal?—A. O, no, sir.

GEORGE M. ADAMS sworn and examined.

By Mr. HARRISON:

Question. What truth is there in the statement that a note for \$500 was involved as a consideration for the appointment by you of Mr. Ellison to the position of engineer of the House

of Representatives?—Answer. None whatever, sir; I will state in this connection that I never knew Mr. Ellison nor heard of him until after I was elected Clerk of the House of Representatives. He never, so far as I know, had any note or obligation of mine of any kind whatever. There was in the appointment of Mr. Ellison no consideration of a note directly or indirectly, and I desire to say unequivocally that I never saw or heard of him, nor knew there was such a man in existence until after I was elected Clerk and there began to be applicants for this place. I appointed Mr. Ellison with the full knowledge that he was what is called a liberal republican; and that circumstance alone, if anything, made me more anxious to appoint him, because there were a number of liberal republicans on the floor. I knew that he voted for Mr. Greeley. I did not question him as to how he intended to vote in the approaching presidential election, but I supposed as a matter of course that the chances were that he was going to go with the democracy. His being a liberal republican was not the controlling consideration at all, though I desire to state to the committee that I was cognizant of the fact that that was his political status at the time I appointed him.

Q. By whom was he recommended?—A. He was recommended by a large number of members of Congress. I believe by all the members from New York, (though I am not positive as to whether every individual member from New York supported him;) certainly a very large number of the New York members supported him, and he was also supported by members of Congress from other States.

Q. I believe Mr. Willis particularly urged it?—A. Mr. Willis, I think, manifested a good deal of interest in him, as did Mr. Whitehouse and Mr. Odell. Mr. Ellison was recommended and indorsed by a very large number of members of Congress.

Q. Were you in New Orleans during the war?—A. No; and what is more, I was never in New Orleans in my life.

Q. Did you owe Ben. Butler any money?—A. Never.

Q. Did Ben. ever owe you any money?—A. Never.

Q. Were you in any way connected with any business arrangement in which Ben. Butler's name could be mixed up?—A. I do not know that it is possible, and I do not think it possible for Mr. Butler to have had any connection with or information about any of my business whatever.

Q. How came you to appoint Mr. McGlensey?—A. I appointed Mr. McGlensey upon the recommendation of a large number of members of Congress, whose recommendations I have at present. This investigation developed the fact that Mr. McGlensey was hunting up these scandalous reports concerning Mr. Ellison, of which, however, I desire to say I had no sort of knowledge at the time I appointed him.

Q. You had no knowledge that Mr. McGlensey had anything to do with it?—A. None whatever.

Q. You had seen published statements charging Ellison with crimes?—A. No, sir: never.

Q. Was it not before McGlensey's appointment that you showed me that printed circular on the subject?—A. No, sir; it was after.

Q. When did that circular come here?—A. I do not know when it came, nor do I remember the time at which it was brought to my attention, but I know that it was brought to my attention, and that McGlensey's connection with it had not been brought to my attention until some time after Mr. McGlensey was appointed.

Q. You were not aware that Mr. McGlensey had been at the bottom of these publications?—A. I was not aware that there even were any publications; so, of course, I was not aware that Mr. McGlensey had any connection whatever with them at the time he was appointed. I know I cannot be mistaken about that, for the reason that when I first saw those papers and saw evidence of Mr. McGlensey's connection with it, certain reflections occurred to me which are distinct in my remembrance at this time, and I remember the regret which I had that Mr. McGlensey had been appointed. I cannot be mistaken about that.

Q. There was a publication, by a printed circular sent down here long before Mr. McGlensey wrote this letter to Mr. Alexander?—A. That publication I never saw at that time.

Mr. HARRISON. Yes, you showed it to me.

The WITNESS. I showed it to you after it came into my possession, but that was after Mr. McGlensey's appointment.

Q. Then your appointment of Mr. McGlensey had no reference whatever to these publications?—A. None whatever, because I had not the remotest idea that McGlensey had any sort of connection with them.

Q. If you had the facts brought to your mind that Mr. McGlensey did have anything to do with them, would that have had an effect upon his appointment?—A. I think it would.

Q. Would it have made you appoint him quicker?—A. No, sir; it would not.

Q. What effect, then, would it have had?—A. If I had been satisfied that Mr. McGlensey was dealing in scandal of that kind, I should not have been inclined to appoint him at all.

By Mr. PLAISTED:

Q. The reason for your appointing Mr. Ellison, apart from political reasons, was the recommendation of this board of engineers.—A. My reason was that I thought by his appointment I would gratify a large number of members of Congress who seemed anxious for his appoint-

ment, and seemed satisfied with his qualifications, and the additional reason that the examination made by the Chief of the Bureau of Steam-Engineering of the Navy Department reported to me that he was the best qualified of those who had examined him, and the others who were applying for the position, and not only the best qualified of those, but very highly qualified, indeed.

By Mr. HARRISON:

Q. Your reasons for appointing McGlensey were what?—A. My reason for appointing McGlensey was that he also was indorsed by a large number of members of Congress whose indorsement I still have, and because one or two members of Congress seemed especially anxious that McGlensey should be appointed. Mr. Ward, of New York, among others, was very anxious for McGlensey's appointment, and while I intended all the while to appoint McGlensey as one of the assistant engineers, I did not think it prudent to appoint him to such a position immediately after Ellison was appointed, because I thought it better to retain, at least for a while, a portion of the old force who were down there.

Q. Why so?—A. Simply because they were familiar with everything connected with the heating and ventilation of the House.

Q. Has it been your system to retain former appointees until you had men thoroughly competent brought to your attention, and keeping the republicans in for the purpose of the better working of the department?—A. I have endeavored to displace no man until I felt that his place could be filled by a competent man.

By Mr. YOUNG:

Q. You have heard the testimony of Judge Wright before this committee?—A. I heard a portion of it only.

Q. Did you ever state to his son that he came from the wrong State, and that you would not appoint him because he was born in Indiana?—A. I do not remember what I said to Mr. Wright's son. I do remember the reasons why I did not appoint him, and why I did not even send him to the board of engineers for examination. I would not know Mr. Wright's son now if I were to see him, although I have no doubt that he may have talked with me on the subject. If I ever said anything on the subject to him I told him what were the facts—that I had already in my office three men from the State of Indiana, and that that was as many as I felt like giving to that State, in view of what I thought due to other sections.

By Mr. HARRISON:

Q. Your aim was to distribute the patronage of your office to the different States as nearly as possible?—A. My aim was to make some sort of distribution. I did not desire or expect to make anything like a perfectly equal and just distribution of the patronage, but I desired not to make all of my appointments from any one locality.

Q. Did you hear the testimony of Jones and Sherman before this committee?—A. I did not hear Jones's testimony but I heard a portion of Sherman's.

Q. Were you ever notified by either of them that Ellison was an incompetent engineer?—A. No.

Q. Were you ever notified that things were stolen from the engineer's department?—A. Mr. Sherman told me, not that Ellison had been taking anything away, but that some time previous to the conversation between him and myself some things had been taken away by the former engineer, and said to me of course he expected to go, but that Mr. Miller and Mr. Jones had intentionally concealed from him various valves and air-passages and other things that it was necessary for any man to know in order to heat and ventilate the House properly, and that his only ambition was to be retained longer than any of the crowd. He also said to me that Mr. Ellison would never be able to get any information from any of the other parties in reference to these things because they had concealed things from him, (Sherman,) but he would be very glad to show Mr. Ellison anything he knew.

By Mr. HARRISON:

Q. When Mr. Sherman notified you of pipe having been taken away, was there any endeavor to recover that pipe?—A. No, sir; the man who it was said had taken the pipe, I understood from Mr. Sherman, had taken it before I came into the office. He was not then in my employ. That was the impression that I had. Mr. Miller had been discharged and was not then in my employ, and I did not attach really a great deal of importance to what Sherman stated to me.

Q. Mr. Sherman stated before the committee that the place where this pipe had been taken to had been ascertained. Was not that through some of your employés?—A. Not that I know of. The only thing I ever heard on that subject I think I heard from Mr. Sherman, and, as I before remarked, I thought that Mr. Sherman was bitter toward Mr. Jones and Mr. Miller, and I felt at the time that if he had been cognizant of all these things and never told it to me or Mr. McPherson, the former Clerk, but had kept it concealed, his statements might really turn out to have nothing in them—probably would do so; hence I did not give the matter any attention.

Q. Are you not aware that a man in the employment of a Clerk and working under an

engineer might suspect a good deal and yet not dare to make reports while in that employment?—A. I do not feel that a man ought to do that.

Q. I do not refer now to the moral tone of the thing, but are you not aware that that is a fact?—A. I cannot tell by what motive a man may be actuated; but I think a man connected with any office who knows that any mercury or other property is being taken away by any person is derelict in his duty if he does not give some information to the parties in charge. I will remark here that in giving the names of applicants for the position of engineer to Mr. Wood, the Chief Engineer of the Navy, I only gave the names of those who happened to be from localities from which I thought I might be able to make an appointment, and I will state further that there was never any communication between Mr. Wood and myself, either direct or indirect, which looked to a preference to be given to any one man over any other.

Adjourned.

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CHARGES AGAINST HON. J. PROCTOR KNOTT.

AUGUST 15, 1876.—Ordered to be printed.

Mr. HUNTON, from the Committee on the Judiciary, submitted the following

REPORT:

The Judiciary Committee, to whom was referred the resolution of the House relating to a telegram received by Hon. J. Proctor Knott, its chairman, from one Josiah Caldwell, concerning an investigation authorized by a resolution introduced into the House by Mr. Tarbox, of Massachusetts, would report:

That while the investigation contemplated under that resolution was in progress, it was developed that one Josiah Caldwell had made certain statements to parties as to the subject-matter of that inquiry. These statements were offered in evidence before the committee, but they were excluded upon the grounds, first, that they were irrelevant to the subject-matter of the Tarbox resolution; and second, that Caldwell was in Europe, and therefore beyond the reach of the process of this House. Under these circumstances it was determined by the committee that a telegram should be sent by the chairman to Caldwell, asking him to appear before the committee to testify.

After the action of the committee, and before any communication had been had with Caldwell, a telegram purporting to come from him was delivered to the chairman, as follows:

Have just read in New York papers Scott's evidence about our bond transaction, and can fully corroborate it. I never gave Blaine any Fort Smith bonds, directly or otherwise. I have three foreign railway contracts on my hands, which makes it impossible for me to leave without great pecuniary loss, or would gladly voluntarily come home and so testify. Can make affidavit to this effect and mail it if desired.

The resolution referred to your committee in substance demands that this telegram be made part of the testimony taken by the subcommittee engaged in the investigation under the Tarbox resolution.

If this demand is to be complied with, it must be upon the ground that such telegram is competent evidence in this investigation, for otherwise the proposition would be that incompetent testimony might be introduced to establish facts before a tribunal constituted by this House.

The sole question, in this view of the case, is, is this telegram competent evidence?

It is impossible to conceive upon what ground such a proposition can be maintained.

In the first place, with the concession that the telegram came from Mr. Caldwell, its statements cannot be received as evidence, because not made under oath. It would be singular, indeed, if in an investigation where witnesses actually present before the committee are required to be sworn, the unsworn statements of an absent person should be ad-

mitted as testimony. Such a rule would make too uncertain proceedings before an investigating committee, proceedings which require limit and definiteness rather than wider latitude.

But, in the second place, when the telegram was received by the chairman there was not the slightest evidence that it had been sent by Mr. Caldwell. As it stood then, it simply appeared that a message with Mr. Caldwell's name subscribed to it had been delivered to the chairman of the committee.

But no one will pretend that this establishes the fact that Mr. Caldwell sent the message. In every case where the contents of a telegram are to be proven, or its authenticity to be established, the original message written by the sender must be produced. It is true that secondary evidence may be admitted, but then only after such proof of the loss or destruction of the original as is required to make such evidence admissible in other cases.

In *Matteson vs. Noyes*, 25 Ill., 59, it is said:

"The paper filed at the office from which the message is sent is, of course, the original, and that which is received by the person to whom it was sent purports to be a copy. If the dispatch is sought to be used in evidence, the original must be produced and its execution proved precisely as any other instrument, or its absence accounted for in the same mode, before the copy can be received."

The same doctrine is maintained in *Williams vs. Buckell*, 37 Miss., 682; *Durkee vs. The Vermont Central Railroad Company*, 29 Vt., 39; and *Hawley vs. Whipple*, 48 N. H., 487.

In the third place, it may be said that while the message received is not evidence, yet its receipt gave rise to a presumption that it was sent by Mr. Caldwell and that its contents are his statements. As to this it may be remarked that it had already been decided by the Judiciary Committee in this very investigation that statements made by Mr. Caldwell to others, who were present before the committee to testify as to them, were not admissible in evidence. The rule established by the committee by that action seems decisive of the present question, for the same reasons which required the rejection of the oral statements of Mr. Caldwell should exclude his written statements, and certainly such statements as are contained in what is only a copy of his writing. But it has been repeatedly decided that a copy of a message raises no presumption as to the original. In *Hawley vs. Whipple*, 48 N. H., 487, it was held that "the fact that a telegram was sent to a person at a particular place, and an answer received by telegraph at the office from which the original telegram was sent, purporting to come from that person at that place, is no proof he was there at that time." If an answer to a telegram affords no presumption that the person sending such answer was at the place from which it purports to be sent, *a fortiori*, no such presumption can arise where the message is not in answer to another previously sent; and if no presumption could arise (to speak of the present case) that Caldwell was in London on the 31st of May, certainly none will be claimed to arise that the message received was a copy of an original deposited in London.

It has been charged that the withholding by the chairman of this message from the subcommittee conducting this inquiry was a suppression of evidence, and that the ordinary presumptions arising from such suppression could be claimed as against him so far as they would relate to persons interested in the result of the investigation. The unreasonableness of such a claim is manifest when the principles of law established upon this point are considered. It is the suppression of *instru-*

ments of evidence that is condemned by the rules of law. But in this case the message received was not an instrument of evidence, and therefore withholding it is not suppression of evidence.

It must be recollected in this connection that the chairman of the committee was not a member of the committee conducting the investigation. His only duty in reference to that inquiry was that imposed upon him by the general committee, of securing the attendance of Mr. Caldwell to testify. Suppose Caldwell had been within the United States, where process could have been served upon him. Would any one pretend that a message from him upon the subject-matter of the investigation, before a subpoena had been served, should be presented to the subcommittee as evidence? If not, then how does Caldwell's absence from the country change the rules of evidence as to his telegram? Such a message from a witness might be of use in enabling the chairman to get service upon him in the one case, or to communicate with him in the other; but in both cases it should be regarded as a message for the chairman only, to be used as he should determine, *not as evidence in the inquiry, but to accomplish the object contemplated by the committee, viz, to bring the person before it to testify.* In the accomplishment of that result, it is manifest that by the action of the committee the whole discretion was intrusted to the chairman. No person ought to complain, providing that discretion were exercised in good faith. If the object were to procure the attendance of Caldwell, it is manifest that it could be better accomplished by withholding the telegram from the committee than by spreading it upon the records as evidence; for if Caldwell could testify by a telegraphic dispatch, there would be little likelihood of his crossing the Atlantic to appear before the committee.

Other considerations seem to have occasioned doubts in the mind of the chairman as to whether the telegram really originated with Mr. Caldwell or not, which doubts, from the testimony since taken, he appears to have been justified in entertaining. That testimony, however, shows that while a telegram, of which this was substantially a copy, was sent by Mr. Reed, a former clerk of Caldwell, to him, it was, in fact, adopted and forwarded to the chairman by Mr. Caldwell.

From these considerations the chairman felt warranted in withholding the telegram from the committee until an inquiry could be made as to the circumstances attending its origination.

Your committee, therefore, would report: 1. That the telegram received by the chairman from Mr. Caldwell was not evidence, and could not have been received as such without a violation of the rule before that time established by the committee. 2. That withholding it was not a suppression of an instrument of evidence. 3. And that the whole subject as to procuring the attendance of Mr. Caldwell to testify had been referred to the chairman of the committee, and that all communications with or from Caldwell in reference to such subject were in the hands of the chairman, to be used according to his discretion in accomplishing the object of the committee, and that no just complaint can be made of any use of such communications providing the discretion were fairly and reasonably exercised.

Your committee would further report that they are satisfied, from all the circumstances, that the chairman in withholding the dispatch from the committee acted in good faith, and without any purpose to injure any person involved in the investigation.

And would recommend that the further consideration of the resolution be indefinitely postponed.

Mr. McCrary submitted the following as the

VIEWS OF THE MINORITY:

The minority of the Committee on the Judiciary, composed of the four republican members, dissent from the report of the majority for the following reasons:

1. We insist that no report upon this subject should be made or acted upon at this time, in the last hours of the session, when there is no time or opportunity for debate.

2. We insist that the matter now reported upon has never been investigated. Not a witness has been sworn; not a word of testimony has been taken. The report is based wholly upon the alleged presumption that the chairman of the committee acted in good faith and without malice. Prior to the late speech of the chairman of the committee on the floor of the House upon this subject, the minority of the committee were willing to and did unite with the majority in adopting this presumption. Since the utterance of that speech we are unable to do so, and we now insist that the subject shall be investigated, that the accuser as well as the accused shall be heard, that witnesses on both sides be examined, and that the matter be determined as any other disputed question of fact. The charge made was that Mr. Knott had kept from the committee and from the knowledge of the public a telegram addressed to him as chairman, and which exonerated Mr. Blaine, and with a purpose to injure him. This, of course, could not be directly proved, and could only be inferred from circumstances. The committee, when the report was originally made to the House, thought that if all the circumstances alleged against Mr. Knott were proved, his character was sufficient to rebut the inference of malice sought to be drawn from them, and therefore deemed it needless to inquire whether they were proved. That presumption, in our judgment, has been overthrown by Mr. Knott's speech, and this makes it necessary to determine the fact as to his motive upon evidence, and not upon the presumption aforesaid.

3. We further insist that the testimony in the investigation in the course of which this question arose should be printed and laid before the House before any action is taken, especially in view of the fact that the chairman of the committee in his late speech saw fit to comment upon that testimony at length as affording proof of his good faith, while the contrary is claimed by others. If that testimony was, as claimed by the chairman, a proper subject of comment as having a bearing upon the subject-matter of the report, then it should be printed, so that others, as well as the chairman and members of the subcommittee who took the testimony, may know what it contains, and may be at liberty to comment upon it. No testimony having been taken upon the question as to the chairman's motive in not making known the fact of the receipt of the telegram, he has cited and relies upon the testimony taken under other branches of the investigation, and not yet printed, and not yet before the House. The chairman cannot fairly ask the House to decide upon this report until that testimony—the only testimony relied upon—is printed and brought within the reach of members.

For these reasons we submit that the report ought not to be adopted.

House documents

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